



Middle Tennessee State University
Board of Trustees
Fall Quarterly Board Meeting
Rulemaking Hearing

Tuesday, September 14, 2021
1:00 p.m.

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



**Middle Tennessee State University
Board of Trustees**

Quarterly Board Meeting

Tuesday, September 14, 2021
1:00 p.m.

AGENDA

Call to Order

Pledge of Allegiance

Introduction of Student-Veteran

Welcome and Opening Remarks

Roll Call

Minutes Tab 1
 June 8, 2021 Board Meeting

Election of Board of Trustees Chair and Vice Chair Tab 2

Rulemaking Hearing Tab 3

1. Rule 0240-07-05 Student Conduct
2. Rule 0240-07-06 Title IX Compliance – Amendment
3. Rule 0240-07-07 Residential Life and Housing
4. Rule 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act

Academic Affairs, Student Life and Athletics Committee Report
and Recommendations Tab 4

1. Rule Promulgation and Related Policy Revision
 - a. Policy 540 Student Conduct
 - b. Rule 0240-07-05 Student Conduct
2. Rule Promulgation and Related Policy Revision
 - a. Policy 541 Residential Life and Housing Policy
 - b. Rule 0240-07-07 Residential Life and Housing
3. Approval of Expedited Tenure
4. Approval of Appointment of Chair of Excellence

Audit and Compliance Committee Report and RecommendationsTab 5

- 1. Approval of Amendment to Rule
 - a. Rule 0240-07-06 Title IX Compliance
- 2. Rule Promulgation and Related Policy Revision
 - a. Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act
 - b. Rule 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act
- 3. Annual Report for Audit and Consulting Services
- 4. Risk Assessment Reporting

Executive and Governance Committee Report and RecommendationsTab 6

- 1. Proposed Board Policy Revision: Requests to Address Board of Trustees
- 2. Proposed Board Bylaws Revision
- 3. Review and Approval of 2021 Self-Evaluation Instrument
- 4. Authorization to Conduct Board Self-Evaluation Prior to November 2021 Board of Trustees Meeting and Adoption of Recurring Schedule

Finance and Personnel Committee Report and RecommendationsTab 7

- 1. Permanent Appointment of Assistant to the President for Institutional Equity and Compliance
- 2. Capital Outlay Project Submittal
- 3. Stadium Debt Service Fee Revision
- 4. Corporate Partnership Rate
- 5. Compensation

Presentation by Vice Chair FreemanTab 8

Board Secretary’s ReportTab 9

President’s Report

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

DATE: September 14, 2021

SUBJECT: **Minutes of June 8, 2021
Summer Quarterly Board Meeting**

PRESENTER: Chairman Steve Smith

BACKGROUND INFORMATION:

Approval of minutes of June 8, 2021 Summer Quarterly Board Meeting

MIDDLE TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
MINUTES

The Middle Tennessee State University Board of Trustees met on June 8, 2021, in the Miller Education Center Meeting Room at Middle Tennessee State University.

Call to Order and Pledge of Allegiance

Board Chair Steve Smith called the meeting to order at 1:00 p.m. Lt. Gen. (Ret.) Keith Huber led the Pledge of Allegiance.

Introduction of Student Veteran

Gen. Huber introduced Army Staff Sergeant, Lisa Kiss. Sgt. Kiss entered the Army in 1995 and served as a technician of explosive ordinance disposal. After active duty, she remained as a contractor in bomb disposal in Iraq, Guam, and Puerto Rico. For the last seven years, she has served as Davidson County Veterans Service Officer and also for the nonprofit Operation Stand Down, which seeks to address veteran homelessness. Sgt. Kiss stated that MTSU has cultivated a reputation of being very veteran friendly, leading her to choose to complete her Bachelor's Degree here at MTSU. She expects to graduate in May 2022.

Introduction of Guest - Dr. Lisa Piercey, Commissioner, Tennessee Department of Health

Dr. McPhee introduced Dr. Lisa Piercey, Commissioner of Health for the State of Tennessee and spoke of his working relationship with Dr. Piercey throughout the COVID-19 pandemic including participation in a COVID-19 forum at the White House. Dr. Piercey spoke of the special team at MTSU, including Student Health Services and clinical staff. She also commented that Student Trustee Delanie McDonald had done an amazing job with her remarks during a forum at the White House. Dr. Piercey concluded by thanking the Board of Trustees and University for their efforts and stated that the University's COVID-19 response has been an example to the nation.

President's Opening Comments

Dr. McPhee informed the Board that Dr. Tibor Koritsanszky, Professor in the Department of Chemistry, passed away suddenly on June 2, 2021 following an auto accident. Professor Koritsanszky was an internationally-recognized expert in computational chemistry and x-ray-based structural analysis of molecular crystals. He was a member of the Computational Sciences Ph.D. program, and he taught a diverse array of classes ranging from general education courses in Physical Science to doctoral-level courses in Computational Sciences. He was admired and loved by students and faculty alike for his outstanding intellect, his quiet wisdom, his dry wit, and his kind heart. Dr. McPhee requested that the University keep Dr. Koritsanszky's family in our thoughts and prayers.

Roll Call

Acting Board Secretary Jeff Farrar called the roll. The following trustees were in attendance: J.B. Baker, Tom Boyd, Pete DeLay, Darrell Freeman, Joey Jacobs, Chris Karbowskiak, Mary Martin, Stephen Smith, Pam Wright, and Delanie McDonald. A quorum was declared.

President Sidney A. McPhee; Mark Byrnes, University Provost; Joe Bales, Vice President for University Advancement; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Deb Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services; Alan Thomas, Vice President for Business and Finance; Andrew Oppmann, Vice President for Marketing and Communications; Brenda Burkhart, Chief Audit Executive; Jeff Farrar, Associate University Counsel and Acting Board Secretary; and, Kim Edgar, Executive Assistant to the President and Chief of Staff, were also in attendance.

Approval of April 6, 2021 Meeting Minutes – Action

The first agenda item was approval of the minutes from the April 6, 2021 Board Meeting. Trustee DeLay made the motion to approve the minutes from the April 6, 2021 meeting, and Trustee Freeman seconded the motion. A voice vote was taken and the motion to approve the minutes from the April 6, 2021 meeting of the Board passed unanimously.

Committee Report: Academic Affairs, Student Life, and Athletics

Committee Chair Pam Wright reported that the Academic Affairs, Student Life, and Athletics Committee met on May 25, 2021. The Committee approved the minutes from the March 16, 2021 meeting. The Committee report contained two (2) action items, unanimously approved by the Committee, for the Board's consideration. Several information items were also presented. Materials outlining these actions were made available for review prior to the Board meeting and were contained in the Board notebooks.

Approval of Tenure and Promotion Candidates – Action

Provost Mark Byrnes presented tenure and promotion candidates for approval by the Board. Faculty members applied for tenure and/or promotion in September 2020 and have been reviewed by their department chair/school director, department/school committee, college committee, college dean, provost, and president, as stipulated by MTSU Policies 204 Tenure and 205 Promotion of Tenured and Tenurable Faculty, and their respective college and department policies. The President and University Provost recommend they be granted tenure and/or promotion effective August 1, 2021. The Committee unanimously approved 22 candidates recommended for tenure and 38 candidates for promotion.

Board Priority Consistent with Strategic Plan – Action

Trustee DeLay made a motion to make the MTSU Board of Trustees' number one priority, consistent with the strategic plan, to increase the graduation rate of the entire University over the coming five years. Trustee Freeman seconded the motion. The motion passed unanimously.

Informational Items

Informational items brought before the Committee included updates on application and enrollment activity, athletics, diversity, student success initiatives, closing the achievement gap, and the financial impact of non-returning students.

Motion

Trustee Baker made the motion to approve the action items recommended by the Committee and Trustee Freeman seconded the motion. A voice vote was taken and motion carried.

Vice Chair Freeman stated that Dr. Byrnes responded to his question of diversity in the tenure and promotion candidates. Vice Chair Freeman said he is able and willing to help to improve diversity in tenure and promotion candidates.

Committee Report: Audit and Compliance Committee

Committee Chair Pete DeLay reported the Audit and Compliance Committee met on May 25, 2021. The Committee approved the minutes from its March 16, 2021 meeting. The Committee report contained three (3) action items, unanimously approved by the Committee, to be considered and voted on by the Board. Several information items were also presented. Materials outlining these actions were made available for review prior to the Board meeting and were contained in the Board notebooks.

Revision to Policy 25 Equal Opportunity, Affirmative Action, and Nondiscrimination – Action

The proposed revisions to Policy 25 Equal Opportunity, Affirmative Action, and Nondiscrimination were drafted to reflect the adoption of MTSU Policy 29 Title IX Compliance and to update job titles and terminology. The policy revision passed unanimously.

Review and Approval of the Audit and Compliance Committee's Charter – Action

T.C.A. Title 4, Chapter 35 requires state governing boards that are responsible for the preparation of financial statements to have an audit committee and the audit committee must have a charter that is approved by the Comptroller of the Treasury. The MTSU Audit and Compliance Committee Charter in Section IV.G.1. requires a review of the charter every four years or as needed to assess the adequacy of the charter. Any proposed changes need the approval of the Board and the Comptroller of the Treasury. The current charter is dated September 12, 2017. The charter has been reviewed for compliance with state law and the

Comptroller of the Treasury's Guidelines for Audit Committee Charters. There are no proposed revisions to the current Audit and Compliance Committee Charter other than to update the signatures to the current Chair of the committee. The Committee approved the Charter unanimously.

Review and Approval of the Audit Charter for the Audit Office – Action

The *International Standards for the Professional Practice of Internal Auditing (Standards)* requires, "The purpose, authority, and responsibility of the internal audit activity must be formally defined in an internal audit charter, consistent with the Mission of Internal Audit and the mandatory elements of the International Professional Practices Framework (the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the *Standards*, and the Definition of Internal Auditing.) The chief audit executive must periodically review the internal audit charter and present it to senior management and the Board for approval. The Audit Charter presented for approval is the same charter approved in May 2017 when MTSU's governance changed to the Board of Trustees. The charter has been reviewed for compliance with state law, MTSU Policy 70 Internal Audit, and the *Standards* with no proposed revisions except to update the signatures to include the current Chair of the Audit and Compliance Committee. The Committee approved the Charter unanimously.

Informational Items

Informational items brought before the Committee included a report on the independence of the Chief Audit Executive and a quarterly report of results of internal audit reports.

The Committee went into executive session to discuss audits and investigations.

Motion

Trustee Freeman made the motion to approve the action items recommended by the Committee and Trustee Wright seconded the motion. A voice vote was taken and the motion to approve the action items carried.

Committee Report: Executive and Governance Committee

Trustee Freeman reported that the Executive and Governance Committee met on May 25, 2021. The Committee approved the minutes from its March 16, 2021 meeting. The Committee report contained two (2) action items, unanimously approved by the Committee, to be considered and voted on by the Board. Materials outlining the action items were made available for review prior to the Board meeting and were contained in the Board notebooks.

Proposed Policy Revision to Board of Trustees Policy: Board Committees – Action

The Southern Association of Colleges and Schools Commission on Colleges requires that a governing board “defines and regularly evaluates its responsibilities and expectations” (Standard 4.2.g. Board Self-Evaluation). The University’s compliance certification report for reaffirmation of accreditation must explain how the MTSU Board of Trustees meets the requirement, supported by evidence such as Board policies and procedures, minutes of meetings, schedules for self-evaluation, and reports on findings from those evaluations. The proposed change will clarify the Executive and Governance Committee’s responsibility for a regular schedule of Board self-evaluation and use of evaluation results for improvement. The Committee unanimously approved this policy revision.

Proposed New Board of Trustees Policy: Requests to Address Board of Trustees – Action

Board Bylaws Section 8.d.4. permits anyone wishing to address the Board to submit a written request to do so at least seven (7) days prior to the scheduled Board meeting. At the April 6, 2021 Board of Trustees meeting, several Trustees expressed that the Board needed procedures for considering and fulfilling such requests. Proposed Board Policy, Requests to Address Board of Trustees, sets forth procedures for such requests including a procedure for making such requests; a listing of permissible subjects; time allocation for speakers; and other matters. The

Committee unanimously approved this new policy.

Informational Items

Informational items brought before the Committee included a presentation on general parliamentary rules.

Motion

Chairman Smith made the motion to approve the action items recommended by the Committee and Trustee Freeman seconded the motion. A voice vote was taken and motion carried.

Committee Report: Finance and Personnel Committee

Trustee Jacobs reported that the Finance and Personnel Committee met on May 25, 2021. The Committee approved the minutes from its March 16, 2021 meeting. The Committee report contained six (6) actions items, unanimously approved by the Committee, to be considered and voted on by the Board. Information items were also presented. Materials outlining these actions were made available for review prior to the Board meeting and were contained in the Board notebooks.

Permanent Appointment of the University Counsel – Action

Policy 808 Compensation Reporting and Approvals requires the appointment and salary recommendation of Vice Presidents or other executives reporting directly to the President be approved by the Board of Trustees. President McPhee requested approval to appoint Mr. James Floyd as University Counsel, as well as seeking approval of the salary requested. The Committee unanimously approved this new appointment. Dr. McPhee introduced Mr. Floyd who thanked everyone for the opportunity to serve as University Counsel.

Capital Disclosures – Action

In accordance with THEC Policy 4.0.6C, concerning disclosure of projects funded through bonds, gifts, grants, or local funds, MTSU plans to submit one project, the Campus Quadrangle Improvements, as part of the FY 2022/2023 MTSU Capital Budget Request. This disclosure is to replace the Campus Quadrangle Site Improvements that is currently disclosed but will expire July 2022. On May 14, 2021, MTSU disclosed another project, the College Heights Renovation project, to THEC via quarterly disclosure to be included in the FY 2021/2022 MTSU disclosure list. This proposed project will serve the University Police Department by renovating space to accommodate a police training simulator and provide office space for emergency management and police personnel. Disclosure of a capital project is the first step in the project approval process and indicates an institution is considering a large-scale project investment but does not obligate the University to carry out the work identified. The Committee unanimously approved the Capital Disclosures as presented.

Capital Maintenance Projects Submittal - Action

The Board of Trustees is charged with approving the Capital Maintenance Project requests for MTSU for FY 2022/2023 in conjunction with instructions received from THEC. These requests include Capital Maintenance requests for eight (8) projects for FY 2022/2023 totaling \$11,798,000 and a Summary of Capital Maintenance potential project requests for four additional years, FY 2023/2024 through FY 2026/2027. The Committee unanimously approved this Capital Maintenance Projects Submittal.

Tuition, Fees, and Housing Rates Approval - Action

The University is proposing a 1.99% increase in tuition for all students, which complies with THEC's binding range of 0 – 2.0%. The University is recommending an additional 3% increase in graduate tuition. In addition to tuition, materials were also provided for both mandatory and nonmandatory fee requests as well as housing rates. Nonmandatory fees and housing rates are only subject to approval by the MTSU Board of Trustees. The total impact of the combined increase in undergraduate tuition and mandatory fees is a 1.78% increase on students taking 15 hours, which complies with THEC's total guidance of 0 – 2.0%.

By Tennessee law (T.C.A. § 49-7-1603), MTSU is required to give public notice of proposed increases to tuition and mandatory fees charged to in-state undergraduate students at least fifteen days prior to holding a public meeting to adopt the increases. The public comment period ran from May 21, 2021 through June 5, 2021 at 4:30 p.m. CDT. All public comments received were collected and provided to Board members prior to the meeting. MTSU appreciates the perspectives provided in the comments and has given careful consideration to the impact that any increase will have on student affordability.

The Committee unanimously approved this recommendation for tuition, fees, and housing rates as presented.

Compensation - Action

Policy 808 Compensation Reporting and Approvals requires the Board of Trustees to approve salary increases of MTSU employees. The Governor's budget provided \$1.1 million in non-recurring funding for the creation of a 2.0% salary pool covering the period from January 1, 2021 through June 30, 2021. The Committee approved a one-time bonus equivalent to six months of a 2% salary increase or \$500, whichever is greater, for regular employees, both full and part-time, on the payroll as of December 31, 2020. The bonus will be calculated based on the annual salary as of May 31, 2021 and paid in the June 2021 payroll. The estimated cost of this bonus is \$1.7 million including benefits. A recommendation for other recurring salary pools provided in the Governor's Budget will be presented to the Finance and Personnel Committee at the August 2021 meeting. The Committee unanimously approved this compensation plan as presented.

Approval of Operating Budgets - Action

Under the FOCUS Act, the Board of Trustees is charged with approving the operating budgets and setting the fiscal policies for MTSU. The Estimated Budget is the final budget for any given fiscal year and allows the University to reflect any adjustments needed for spring enrollment, additional funding provided through state appropriations, and other miscellaneous

adjustments. The Proposed Budget is the base budget for the upcoming fiscal year and is based on including 1.5% of the approved 1.78% tuition and mandatory fee increase, salary and operating appropriation increases approved by the General Assembly for 2021/2022, and a stable enrollment. Both the 2020/2021 Estimated Budget and the 2021/2022 Proposed Budget were unanimously approved by the Committee.

Informational Items

Informational items were presented that included an overview of capital outlay project requirements.

Motion

Trustee Freeman made the motion to approve the action items recommended by the Committee and Trustee Boyd seconded the motion. A voice vote was taken and motion carried.

Student Trustee McDonald made a recommendation that in the future, MTSU explain in greater detail the purpose of the tuition increase, that it is an annual increase, and that it is a trade-off to either increase tuition or cut services. After reading the public comments, she feels more transparent and detailed information would answer questions that many have asked.

Recognition of Student Trustee – Information

Chairman Smith and President McPhee recognized Trustee Delanie McDonald for her service as the MTSU Student Trustee. Both stated that Trustee McDonald did a remarkable job in representing the students of MTSU over her one-year term as Student Trustee. The Board wishes her the very best as she continues to pursue her graduate studies at MTSU.

Appointment of Student Trustee – Action

Article 4.5 of the Bylaws provides for a one-year appointment for the student representative to the Board of Trustees. The expiration of Trustee McDonald's term requires the appointment of a new Student Trustee. Dr. McPhee gave a summary of the selection process for Student Trustee, which is managed by the Office of the Vice President for Student Affairs and the Student Government Association. Three finalists were selected and their applications were sent to the Office of the President for review. Based on this review, Dr. McPhee recommended Ms. Gabriela Jaimes to the Board as the next Student Trustee. Ms. Jaimes is a Communication Studies major and has served as the President of the MTSU Communication Studies Club. She has also worked as a volunteer with the Juvenile Diabetes Foundation and with Borderless Arts Tennessee, which involves young people with disabilities in exploring the Arts.

Trustee Freeman made the motion to accept the recommendation of Ms. Gabriela Jaimes as the student representative for the MTSU Board of Trustees and Trustee Delay seconded the motion. A voice vote was taken and the motion passed unanimously.

Trustee Jaimes thanked everyone for the opportunity to serve as student trustee.

Recognition of Faculty Trustee – Information

Chairman Smith announced this was Trustee Martin's final meeting as the Board's Faculty Trustee and commended Trustee Martin as being an outstanding representative of her peers. Trustee Martin thanked everyone for the opportunity to serve the past two years as Faculty Trustee.

Appointment of Faculty Trustee - Information

Dr. McPhee introduced Dr. Rick Cottle to the Board of Trustees as the new Faculty Trustee selected by the University Faculty Senate. Dr. Cottle is a 25+ year textile/apparel industry veteran who earned a B.S. in Textile Technology from Auburn University in 1984, an MBA from University of Phoenix in 2003, and a Ph.D. in Consumer Affairs from Auburn University in 2012. Dr. Cottle joined MTSU's College of Behavioral and Health Sciences in 2013 and teaches a broad

spectrum of topics within the textile/apparel industry. Dr. Cottle's research focuses on Three-Dimensional (3D) Body Scanning as it pertains to the fit of apparel items to the human body. He is also a board member of the Rutherford County Arts Alliance, Mainstreet Murfreesboro, Nashville Fashion Alliance, and Nashville Fashion Week. Dr. Cottle thanked everyone for the opportunity to serve as Faculty Trustee.

Report of the President

Covid-19 Update

Dr. McPhee gave an update on the removal of campus mandates for the wearing of masks, maintaining social distancing, and observing modified room capacities. He noted, however, masks will still be required on campus public transportation, such as Raider XPress, and for symptomatic patients in our Student Health Services facility. Given the ready supply of vaccine available to the campus, as well as throughout the state and nation, members of our community can make informed and individual choices about their health and safety, including appropriate actions and measures they should take to protect themselves from COVID-19.

Summer and Fall Enrollment

Dr. McPhee reported that summer classes are underway along with multiple new student orientation sessions. University administration is continuing to monitor enrollment numbers and faculty and staff are preparing to be back in their classrooms and anxiously waiting to welcome students for the first day of class on August 23.

Update from Information Technology

At the request of Trustees Baker and Delay, Dr. McPhee invited Bruce Petryshak, Vice President of Information Technology and Chief Information Officer, to give a brief overview on MTSU strategies regarding cyber security. Mr. Petryshak gave a high level summary of IT security including a unified threat management that involves various layers of IT security.

Trustee Karbowski asked if cyber security training could be mandated. VP Petryshak replied that we will have to eventually mandate with repercussions for not taking the training per audit suggestions.

Adjournment

Chairman Smith adjourned the meeting at 2:30 p.m.

Respectfully submitted,

Jeff Farrar

Acting Board Secretary

DRAFT



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Election of Board of Trustees Chair and Vice Chair**

DATE: September 14, 2021

PRESENTER: James Floyd
Board Secretary

BACKGROUND INFORMATION:

Article 5 of the Bylaws of the Middle Tennessee State University Board of Trustees provides for the election of a Chair and a Vice Chair to serve as Officers of the Board. These officers shall be elected from among the voting membership of the Board by a majority of those present and voting. Each officer shall serve a two (2) year term until successors are elected or a vacancy occurs. The officers may be elected to consecutive terms without limitation.



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: [Rule 0240-07-04 Student Conduct](#)

DATE: September 14, 2021

PRESENTER: Jeff Farrar
Associate University Counsel

BACKGROUND INFORMATION:

Rule 0240-07-04 Student Conduct is presented as a parallel new rule that captures the revised version of Policy 540 Student Conduct as a formal rule.

Revisions to Policy 540 were drafted to include reference to MTSU Policy 29 Title IX Compliance; clarify existing rights of students to review their own disciplinary files and obligations of University to maintain disciplinary and hearing files; reword language of certain disciplinary offenses sanctions for clarity and deleted the disciplinary sanction for fines; modify various deadlines to provide parties additional time; and to clarify the parties' rights to cross-examination to conform with existing law. These revisions are reflected in Rule 0240-07-04 Student Conduct.

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 File Date: _____

Notice of Rulemaking Hearing

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

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

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

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, CAB 106, Murfreesboro, TN 37132
Phone:	615-898-2185
Email:	Lance.alexis@mtsu.edu

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

Address 1:	Miller Education Center, MEC Meeting Room	
Address 2:	503 E. Bell Street	
City:	Murfreesboro	
Zip:	37130	
Hearing Date:	9/14/2021	
Hearing Time:	1:00 pm CDT	

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
0240-07-05	Student Conduct
Rule Number	Rule Title
0240-07-05-.01	Purpose
0240-07-05-.02	Definitions
0240-07-05-.03	Responsibility and Jurisdiction

0240-07-05-.04	Student Conduct Rules: Values and Behavioral Expectations
0240-07-05-.05	Classroom Misconduct
0240-07-05-.06	Disciplinary Sanctions
0240-07-05-.07	Student Conduct Hearing Officers and/or Boards
0240-07-05-.08	Disciplinary Procedures
0240-07-05-.09	Alternative Resolution of Disciplinary Incidents
0240-07-05-.11	Authority of the President

Rules of
Middle Tennessee State University

Chapter 0240-07-05
Student Conduct

New Chapter

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

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

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

0240-07-05-.01 Purpose.

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

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

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

0240-07-05-.02 Definitions.

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

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

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

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

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

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

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

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

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

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

- (a) Alcoholic Beverages.

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

- (b) Drugs.

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

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

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

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

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

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

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

0240-07-05-.05 Classroom Misconduct.

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

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

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

follows:

0240-07-05-.06 Disciplinary Sanctions.

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

- (i) Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
- (j) Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
- (k) Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). A suspended student organization will forfeit its recognition as a student organization for the duration of its suspension. Suspension may be accompanied by special conditions for readmission or recognition.

Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student or organization (through its authorized representative) must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) business hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student/organization seeks to be on campus and the location that the student/organization wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student/authorized representative of the organization is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students/organizations who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

- (l) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University.

A student or student organization that has been expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student or organization (through its authorized representative) must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) business hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student/organization seeks to be on campus and the location that the student/organization wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student/authorized representative of the organization is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students/organizations who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

- (m) 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.
- (n) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
- (o) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of a violation of these rules should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the

behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to MTSU rule concerning misconduct, discrimination, and/or harassment based on sex, including pregnancy, sexual orientation, and gender identity/expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student or student organization. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University Officials and the Vice President for Student Affairs, within five (5) business days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

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

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

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

0240-07-05-.07 Student Conduct Hearing Officers and/or Boards. As permitted by state law and at the direction of the University President, violations under these rules may be heard by the following: administrative judge appointed by the Administrative Procedures Division of the Office of the Secretary of State, hearing officers and/or boards or committees.

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

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

- (3) The University Discipline Committee determines whether or not a student or student organization is to be held responsible for violation(s) of these rules. If found responsible, the Committee recommends appropriate disciplinary sanctions to the Vice President for Student Affairs.
- (4) The Student Appeals Committee hears appeals of disciplinary decisions rendered by the Student Judicial Board and the University Discipline Committee and makes a recommendation for disposition of the appeal to the Vice President for Student Affairs.

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

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

0240-07-05-.08 Disciplinary Procedures.

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

When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization, and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University rules are alleged to have been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:

1. The right to know what disciplinary violation(s) they have been charged with;
 2. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 3. The right to be accompanied by an advisor of their choosing whose participation is limited to directly advising the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 4. The right to receive the decision and their imposed sanctions in writing.
- (b) The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
- (c) If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the alleged conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- (6) Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
- (a) Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
1. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB or UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.
 2. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of five (5) business days in

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

3. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Rule 0240-07-05-.08 (5)(a)) as well as the following additional rights, which shall be provided in writing:
 - (i) The right to receive notice of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - (ii) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (iii) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - (iv) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody or control and may use to support claims or defenses, unless the use would be solely for impeachment;
 - (v) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student;
 - (vi) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (vii) In cases where the accused may be subject to a sanction of suspension or expulsion, or in the case of a student organization, withdrawal of recognition, some form of cross-examination must be permitted if credibility is in dispute and material to the outcome. Cross-examination must be conducted live and in front of the fact-finder but does not require personal confrontation. At the discretion of the hearing officer, cross-examination may be conducted by remote questioning or through a representative.
 - (viii) The right to question witnesses;
 - (ix) The right to be informed of an appeal option, if applicable.

(b) Uniform Administrative Procedures Act.

1. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Rule 0240-07-05-.08 (E)(F).
2. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an

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

3. The case will proceed pursuant to the UAPA and University rules implementing same.

(7) Separation of Functions.

- (a) A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
- (b) A person who is subject to the supervision, direction or discretion of one (1) who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.
- (c) A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
- (d) A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
- (e) Nothing in this Rule prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

(8) Interim Involuntary Withdrawal or Suspension Hearings.

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

(9) Appeals

- (a) Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
- (b) It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
- (c) For UAPA decisions, the appeal procedures are set forth in the UAPA and University rules implementing same.
- (d) UDC decisions.
 - 1. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within ten (10) calendar days of the date on which notice was sent to the student or student organization as provided at 0240-07-05-.02(4) of this rule that the approving authority has affirmed the suspension or expulsion.
 - 2. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (i) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (ii) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
 - 3. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a rehearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The appellate body will make a recommendation to the Vice President for Student Affairs whether to affirm, modify, or reverse the decision of the UDC or to return the matter to the original adjudicating body for reconsideration.
- (10) Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a Disciplinary Conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.
- (11) Retention of Records. The Office of Student Conduct will maintain disciplinary records created in matters covered by this rule, including records and evidence presented during any investigation, hearing, and appeal in the manner required by state records retention requirements. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student or student organization is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are

covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student or student organization is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's or student organization's name.

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

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

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

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

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

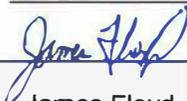
0240-07-05-.10 Authority of the President is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.10 Authority of the President. The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

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

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

Date: 7/15/21

Signature: 

Name of Officer: James Floyd

Title of Officer: University Counsel

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Rule 0240-07-07 Residential Life and Housing**

DATE: September 14, 2021

PRESENTER: Sondra Wade
Assistant University Counsel

BACKGROUND INFORMATION:

Rule 0240-07-07 Residential Life and Housing is presented as a new parallel rule that captures the revised version of Policy 541 Residential Life and Housing as a formal rule.

Revisions to Policy 541 were drafted to underscore the distinction between an assigned living space and the larger residential facility in which such space is located; redefine the term “occupant” to provide clarity around who may reside with a student resident in an assigned living space; add a force majeure clause; update visitation protocols; and to expand the list of prohibited items in an effort to better align with revised Policy 770 Fire Safety in On-Campus Student Residential Housing. These revisions are reflected in Rule 0240-07-07 Residential Life and Housing.

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 File Date: _____

Notice of Rulemaking Hearing

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

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

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

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, CAB 106, Murfreesboro, TN 37132
Phone:	615-898-2185
Email:	Lance.alexis@mtsu.edu

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

Address 1:	Miller Education Center, MEC Meeting Room	
Address 2:	503 E. Bell Street	
City:	Murfreesboro	
Zip:	37130	
Hearing Date:	9/14/2021	
Hearing Time:	1:00 pm CDT	

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
0240-07-07	Residential Life and Housing
Rule Number	Rule Title
0240-07-07-.01	Purpose
0240-07-07-.02	Definitions
0240-07-07-.03	Eligibility

0240-07-07-.04	Application Process and Student Housing Agreement
0240-07-07-.05	Termination, Cancellation, and Refunds
0240-07-07-.06	Conduct and Right to Enter

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-07
Residential Life and Housing

New

Table of Contents is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.01 Purpose
0240-07-07-.02 Definitions
0240-07-07-.03 Eligibility
0240-07-07-.04 Application Process and Student Housing Agreement
0240-07-07-.05 Termination, Cancellation, and Refunds
0240-07-07-.06 Conduct and Right to Enter

0240-07-07-.01 Purpose is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.01 Purpose

- (1) A student residence facility is a densely populated community composed of students with many different interests, habits, and tastes. Middle Tennessee State University (MTSU or University) is committed to the concept that on-campus student residence facilities should provide an atmosphere conducive to both living and learning, where in a spirit of cooperation and consideration of others, students may live, study and relax together. This rule establishes the process for managing and maintaining such an atmosphere.

0240-07-07-.02 Definitions is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.02 Definitions

- (1) Assigned Living Space. The personal dwelling unit of a student and/or occupant residing within a student residence facility.
- (2) Guest(s). Any person invited by a student resident, occupant, or the University to visit in a student residence facility.
- (3) License Agreement (Agreement). The contract document setting forth the terms of occupancy of any student residence facility/ unit as between the University and student residents that occupy such student residence facility/ unit.
- (4) Occupant(s). Legal spouse or child residing with a student resident in an assigned living space. Occupant(s) may be referred to as resident(s).
- (5) Premises. Any student residence facility owned or operated by the University to provide housing accommodations for student residents.
- (6) Prepayment Fee. A payment required by the University to secure assigned living space within a student residence facility prior to taking occupancy of a particular assigned living space. The prepayment fee is applied toward housing costs except where forfeitures apply.
- (7) Semester Fee. The payment required to occupy an assigned living space within a student residence facility for a specified term.
- (8) Student(s). For purposes of this rule, any individual officially enrolled and residing on premises in an assigned living space who is a signatory to the housing license agreement. The student may be referred to as resident(s).

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

0240-07-07-.03 Eligibility is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.03 Eligibility

- (1) Student residents residing in assigned living space must be full-time students officially admitted and enrolled at the University for the Fall or Spring semester.
- (2) Part-time students are not eligible to reside in student residence facilities unless a waiver is provided by the Director of Housing and Residential Life. Such waivers shall be granted on a case-by-case basis.
- (3) Occupant residents residing in assigned living space must be the legal spouse or child of a student resident.
- (4) Summer housing is available to MTSU students enrolled in summer courses and occupants residing with said students, provided such students are enrolled in the summer session for which they plan to reside in a student residence facility.
- (5) All students shall have an equal opportunity to reside in student residence facilities regardless of race, gender, marital status, creed, color, national origin, or disability.
- (6) No person who is registered, or required to register, as a sex offender will be eligible to reside in University residence halls.
- (7) All students who reside in student residence facilities must provide proof of adequate immunization against meningococcal disease after their 16th birthday and within the last five (5) years as required by state law unless they have a valid exemption.
- (8) Students who fail to provide proof of adequate immunization will not be allowed to reside in student residence facilities unless they have a valid exemption.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-7-124; T.C.A. § 49-7-162.

0240-07-07-.04 Application Process and Student Housing Agreement is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.04 Application Process and Student Housing Agreement

- (1) To live in a student residence facility, students must complete and submit an application. Students must also sign a Housing License Agreement that establishes the terms and conditions of the student's occupancy of the student residence facility.
- (2) At the time of application, the student must also submit a prepayment fee. Semester fees are due and must be paid during the fee payment period at the beginning of each semester or summer session as applicable.
- (3) The Housing License Agreement will address the following non-exclusive list of subjects:
 - (a) Term(s) of the agreement;
 - (b) Cancellation of the agreement;
 - (c) Amounts, billing, payment, and refunds of housing fees, security; deposits, and damage and cleaning fees;
 - (d) Assignment and reassignment of rooms;

- (e) Policies and procedures governing the use and safety of the student residence facility and conduct within the student residence facility;
- (f) Rights of entry to assigned living space;
- (g) Loss of or damage to the resident's personal property;
- (h) Loss of or damage to University property;
- (i) Alterations, additions, or improvements to rooms;
- (j) Animals;
- (k) Prohibited activities;
- (l) Visitation;
- (m) Prohibition on assignment and subleasing by the student;
- (n) Termination of the agreement by either the student or the University, and options for the student to appeal the termination; and/or
- (o) Other reasonable and necessary subjects determined by the Director of Housing and Residential Life and University leadership.

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

0240-07-07-.05 Termination, Cancellation, and Refunds is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.05 Termination, Cancellation, and Refunds

- (1) The University may terminate any Housing License Agreement in the event of any of the following nonexclusive reasons:
 - (a) Disciplinary action or violation of University rule;
 - (b) Withdrawal from the University by the student resident;
 - (c) Failure to maintain eligible student status by the student resident;
 - (d) Violation of any term of the Housing License Agreement by the student resident and/or occupant;
 - (e) Violation of any applicable law or University rule, policy or procedure by the student resident and/or occupant;
 - (f) Occurrence of force majeure events, including, but not limited to, fire, earthquake, hurricane, flood, severe storms, acts of God, strikes or labor disputes, riots or civil disturbances, war, national emergency, terrorism, threats of sabotage or terrorism, explosions, plagues, epidemics, pandemics, acts of governmental authorities, or any other occurrence beyond the University's reasonable control. In the event of a force majeure, the University reserves the right to modify housing accommodations and access to dining services;
 - (g) Change in marital or familial status by the student resident.
- (2) Student residents may terminate their Housing License Agreement in accordance with the contract provisions.
- (3) Student residents whose Housing License Agreement is subject to termination will receive notice in writing of the reasons for termination and be given an opportunity to respond prior to termination.

- (4) Any student resident who fails to make timely payment of all fees due under the terms of the Housing License Agreement will be liable for all expenses of collection, including court costs and attorneys' fees.
- (5) All refunds and prorated billing will be made consistent with University rules, policies or procedures related to refunds of student fees.

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

0240-07-07-.06 Conduct and Right to Enter is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

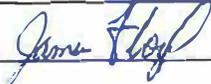
0240-07-07-.06 Conduct and Right to Enter

- (1) In addition to the terms of the Housing License Agreement, student residents must also comply with all University published rules including the Code of Student Conduct. Violations of the contract and the Code of Student Conduct may result in termination of the Housing Contract.
- (2) Student residents are responsible for the conduct of their guests and any occupants residing in the assigned living space. It is the responsibility of the student resident to ensure that the guests and occupants understand and abide by all Housing and University rules and regulations. If a guest or occupant is involved in any violations of University or Housing rules and/or regulations, the hosting student resident, as well as the guest or occupant may be subject to disciplinary action, including termination of the Housing License Agreement.
- (3) The University reserves the right to enter any assigned living space at all reasonable times to inspect for maintenance, health, safety or emergency purposes. Inspections may be authorized anytime there is reasonable cause to believe that there is a health or safety concern or in accordance with federal and/ or state law.

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

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

Date: 7/15/21

Signature: 

Name of Officer: James Floyd

Title of Officer: University Counsel

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Rule 0240-07-06 Title IX Compliance**

DATE: September 14, 2021

PRESENTER: Jeff Farrar
Associate University Counsel

BACKGROUND INFORMATION:

The Board approved a new rule, Rule 0240-07-06 Title IX Compliance, at a rulemaking hearing last September. This proposed revision to that rule is a clean-up revision to add the definition of “Consent” to the rule, which was inadvertently omitted from the original rule. The proposed definition is consistent with the longstanding definition of that term in MTSU’s other sexual misconduct policies. This definition is already included in Policy 29 Title IX Compliance and no revision to that policy is required.

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Notice of Rulemaking Hearing

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

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

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

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, 116 Cope Administration Building, Murfreesboro 37132
Phone:	615-898-2125
Email:	Lance.alexis@mtsu.edu

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

Address 1:	Miller Education Center, MEC Meeting Room	
Address 2:	503 E. Bell Street	
City:	Murfreesboro	
Zip:	37130	
Hearing Date:	9/14/2021	
Hearing Time:	1:00 p.m. CDT	

Additional Hearing Information:

MTSU reserves the right to conduct this hearing electronically if it determines that such is necessary as a result of the ongoing COVID-19 pandemic. Information required to access and participate in this meeting electronically will be available at <https://www.mtsu.edu/boardoftrustees/index.php> in advance of the meeting. Interested parties may also submit written comments and questions for consideration at the hearing by emailing same to jeff.farrar@mtsu.edu.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
0240-07-06	Title IX Compliance

Rule Number	Rule Title
0240-07-06-.01	Definitions

Rules of
Middle Tennessee State University

Chapter 0240-07-06
Title IX Compliance

Amendment

Rule 0240-07-06-.01 is amended by adding paragraph (4) so that as amended, the new paragraphs shall read:

- (1) Actual knowledge: notice of sexual harassment or allegations of sexual harassment to MTSU's Title IX Coordinator or any MTSU official who has authority to institute corrective measures on behalf of MTSU. This definition is not met when the only MTSU official with actual knowledge is also the respondent.
- (2) Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainant does not mean the Title IX Coordinator when the Title IX Coordinator signs a formal complaint or is not otherwise an alleged victim of sexual harassment. References in this rule to the singular "complainant" include the plural, as applicable.
- (3) Deliberately indifferent: a response that is clearly unreasonable in light of the known circumstances.
- (4) Consent. An informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.
- (5) Education program or activity: locations, events, or circumstances over which MTSU exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by MTSU.
- (6) Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting MTSU investigate the allegation of sexual harassment. As used in this definition, the phrase "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- (7) Hearing officer: the person who is the decision-maker with respect to the determination of responsibility after a live hearing. Hearing officer may also mean a committee that is the decision-maker with respect to the determination of responsibility after a live hearing. A hearing officer cannot be the same person(s) as the Title IX Coordinator or the investigator(s).
- (8) Party: either complainant or respondent. References in this rule to the plural "parties" includes complainant and respondent.
- (9) Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. References in this rule to the singular "respondent" include the plural, as applicable.
- (10) Sexual harassment: conduct on the basis of sex that satisfies one (1) or more of the following:
 - (a) A MTSU employee conditioning the provision of an aid, benefit, or service of MTSU on an individual's participation in unwelcome sexual conduct;
 - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to MTSU's education program or activity; or
 - (c) Sexual assault as defined by federal law, "dating violence" as defined by federal law, "domestic violence" as defined by federal or state law, or "stalking" as defined by federal law.

(11) Supportive measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to MTSU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or MTSU's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

(12) Title IX Coordinator: the person designated and authorized by MTSU to coordinate its efforts to comply with its Title IX responsibilities.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

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

Date: 7/15/21

Signature: _____

Name of Officer: James Floyd

Title of Officer: University Counsel

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Rule 0240-07-08 Cases Heard Pursuant to the Uniform
Administrative Procedures Act**

DATE: September 14, 2021

PRESENTER: James Floyd
University Counsel and Secretary to the Board

BACKGROUND INFORMATION:

Rule 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act is presented as a new parallel rule that captures the revised version of Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act as a new formal rule.

Revisions to Policy 110 were drafted to reflect different procedures may be applicable to cases covered under the new federal Title IX regulations and the availability of administrative judges appointed by the Administrative Procedures Division of the Office of the Secretary of State. These revisions are reflected in Rule 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act.

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File Date: _____

Notice of Rulemaking Hearing

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

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

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

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, CAB 106, Murfreesboro, TN 37132
Phone:	615-898-2185
Email:	Lance.alexis@mtsu.edu

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

Address 1:	Miller Education Center, MEC Meeting Room		
Address 2:	503 E. Bell Street		
City:	Murfreesboro		
Zip:	37130		
Hearing Date:	9/14/2021		
Hearing Time:	1:00 pm CDT		

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
0240-07-08	Cases Heard Pursuant to the Uniform Administrative Procedures Act
Rule Number	Rule Title
0240-07-08-.01	Purpose
0240-07-08-.02	Scope
0240-07-08-.03	Authority of the President

0240-07-08-.04	Selection of Administrative Judge, Hearing Officer, or Hearing Committee
0240-07-08-.05	Hearing Procedures
0240-07-08-.06	Suspensions Pending a Contested Case Hearing

Rules of
Middle Tennessee State University

Chapter 0240-07-08
Cases Heard Pursuant to the Uniform Administrative Procedures Act

New Chapter

Table of Contents is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act and shall read as follows:

- 0240-07-08-.01 Purpose
- 0240-07-08-.02 Scope
- 0240-07-08-.03 Authority of the President
- 0240-07-08-.04 Selection of Administrative Judge, Hearing Officer, or Hearing Committee
- 0240-07-08-.05 Hearing Procedures
- 0240-07-08-.06 Suspensions Pending a Contested Case Hearing

0240-07-08-.01 Purpose is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act and shall read as follows:

0240-07-08-.01 Purpose

- (1) This rule describes the circumstances under which Middle Tennessee State University (MTSU or University) may apply the contested case hearing provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-101 *et. seq.* and the procedures for UAPA hearings.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-07-08-.02 Scope is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act and shall read as follows:

0240-07-08-.02 Scope

- (1) The contested case procedures set forth in the UAPA may be applicable in all cases in which the legal rights, duties, and privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing. These procedures may also apply when an MTSU rule provides that a hearing take place pursuant to the provisions of the UAPA.

Except as may be set forth by other applicable rule or law, the contested case procedures in the UAPA may apply in the following cases:

- (a) demotion, suspension without pay, or termination of support staff employees where the employee has elected to pursue a UAPA hearing instead of an employee panel hearing as the final step of the grievance process;
- (b) suspension or expulsion of a student who elects a UAPA hearing instead of an institutional hearing;
- (c) revocation of the registration of a student organization who elects a UAPA hearing instead of an institutional hearing; and
- (d) any other case where law requires a contested case hearing and such a hearing is requested.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-07-08-.03 Authority of the President is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform
SS-7037 (March 2020)

Administrative Procedures Act and shall read as follows:

0240-07-08-.03 Authority of the President

- (1) The President of MTSU is responsible for implementation of these procedures and has final decision-making authority in any proceeding subject to these procedures.
- (2) The authority and responsibilities of the President set forth herein may be delegated by him/her to individual designees who are members of the staff of MTSU. All references herein to the President include any designee of the President. The President shall be responsible for any action taken under a delegation of his/her authority.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-07-08-.04 Selection of Administrative Judge, Hearing Officer, or Hearing Committee is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act and shall read as follows:

0240-07-08-.04 Selection of Administrative Judge, Hearing Officer, or Hearing Committee

- (1) The President shall determine, in his/her discretion, whether the hearing shall be held before an administrative judge appointed by the Administrative Procedures Division of the Office of the Secretary of State, a hearing officer, or a hearing committee.
- (2) The following individuals may serve as administrative judges/hearing officers:
 - (a) A person licensed to practice law who is not employed as an attorney for the University;
 - (b) A former state, county, or municipal judge or former federal judge or magistrate;
 - (c) An employee of the University who has been trained to conduct contested cases, but who does not provide legal representation to the University;
 - (d) An employee of another public institution of higher education who has been trained to conduct contested cases; or,
 - (e) An administrative judge employed by the Office of the Secretary of State pursuant to T.C.A. § 4-5-301(d) to hear contested cases.
- (3) A hearing committee may be appointed by the President from the administrative, professional staff, and/or appropriate employees or students at MTSU. The person appointed by the President as administrative judge/hearing officer shall be deemed to be the chair of the hearing committee for purposes of presiding at the hearing.
- (4) For matters involving sexual assault, dating violence, domestic violence, or stalking, the administrative judge/hearing officer/hearing committee members shall complete training that satisfies the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092(f)), and the federal regulations implementing those statutes, as amended. This training must take place no earlier than twelve (12) months prior to hearing the contested case.

Authority: T.C.A. §§ 49-7-167, 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-07-08-.05 Hearing Procedures is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act and shall read as follows:

0240-07-08-.05 Hearing Procedures

- (1) Except as may be set forth by other applicable rule or law, the hearing procedures set forth in T.C.A. §§ 4-5-301, et. seq. and TENN. COMP. R. & REGS. 1360.04.01.01 et seq. shall apply to cases heard pursuant to this rule.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-07-08-.06 Suspensions Pending a Contested Case Hearing is added to Chapter 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act and shall read as follows:

0240-07-08-.06 Suspensions Pending a Contested Case Hearing

- (1) The President shall have authority to suspend a student or employee pending a contested case hearing in the manner required by University rules.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

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

Date: 7/15/21

Signature: _____

Name of Officer: James Floyd

Title of Officer: University Counsel

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

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

DATE: September 14, 2021

PRESENTER: Pam Wright
Committee Chair

- Approval of Rule Promulgation and Related Revisions
 - a. Policy 540 Student Conduct
 - b. Rule 0240-07-05 Student Conduct

- Approval of Rule Promulgation and Related Revisions
 - a. Policy 541 Residential Life and Housing Policy
 - b. Rule 0240-07-07 Residential Life and Housing

- Approval of Expedited Tenure

- Approval of Appointment of Chair of Excellence



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Rule Promulgation and Related Policy Revision
540 Student Conduct**

BACKGROUND INFORMATION:

Revisions to Policy 540 Student Conduct were drafted to include reference to MTSU Policy 29 Title IX Compliance; clarify existing rights of students to review their own disciplinary files and obligations of University to maintain disciplinary and hearing files; reword language of certain disciplinary offenses sanctions for clarity and deleted the disciplinary sanction for fines; modify various deadlines to provide parties additional time; and to clarify the parties' rights to cross-examination to conform with existing law.

A parallel new rule, Rule 0240-07-04 Student Conduct, is also presented and will capture the revised version of Policy 540 as a formal rule.



540 Student Conduct

Approved by Board of Trustees

Effective Date: ~~June 18, 2019~~ _____, 2021

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students through University Discipline and Rules Committee

I. Purpose

- A. Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- B. Student members of the university community are expected to uphold and abide by standards of conduct that form the basis of our Student Conduct Rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- C. The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- D. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws the complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without the victim's input.

ED. The University is committed to respecting students' constitutional rights. This policy shall be interpreted in a way that does not violate students' constitutional rights including, without limitation, the rights protected by the First Amendment to the United States Constitution.

II. Definitions

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

III. Responsibility and Jurisdiction

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its

educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined above. The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with this policy. The University Officials shall implement policies, ~~and~~ procedures, or other requirements for the administration of the student conduct program.

- B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in [Policy 312 Academic Misconduct](#).
- C. Students and student organizations are responsible for compliance with applicable University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:
 1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 2. Any situation that significantly impinges upon the rights, property, or achievements of others;
 3. Any situation that is detrimental to the educational mission and/or interests of the University.
- E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.

- F. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts. [Students have the right to review their own disciplinary files as set forth in Policy 500 Access to Education Records.](#)

IV. Student Conduct Rules: Values and Behavioral Expectations

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

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

applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

- a. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:
 - (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (3) using a prescription drug that has not been prescribed to the individual.
- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
- c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

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

4. Public Intoxication.

- a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be

endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.

- b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
6. Violation of ~~General Policies~~University Rules. Any violation of the general policies, procedures, or other rules ~~or procedures~~ of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:
 - [Policy 100 Use of Campus Property and Facilities Scheduling](#)
 - [Policy 312 Academic Misconduct](#)
 - [Policy 541 Residential Life and Housing Rules](#)
 - [Policy 750 Tobacco-Free Campus](#)
 - [Policy 775 Traffic, Parking, and Safety Enforcement](#)
 - [Policy 910 Information Technology Resources](#)
7. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
8. Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
9. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.

10. Obstruction of or Interference with University Activities or Facilities. Any intentional interference with or obstruction of any University program, event, or facility including, but not limited to, the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - b. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;
 - c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - d. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
13. Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently

- offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
 15. Gambling. Unlawful gambling in any form.
 16. ~~Attempts, Aiding and Abetting~~ Joint Responsibility. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.
 17. Litter. Dispersing litter in any form onto the grounds or facilities of the University or on property owned, leased, or controlled by the University.
 18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 19. Graffiti. Damage or defacement of MTSU property or on property owned, leased, or controlled by the University by painting, chalking, writing, stenciling, or by any other means of application on such property.
- B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.

3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
 6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
 7. Unauthorized Surveillance. Making or causing to be made unauthorized ~~video or~~ ~~photographic~~ images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian, recognizing that the parent cannot consent on behalf of a child for criminal acts as provided in state law. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies or, rules, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal](#)

[Opportunity, Affirmative Action, and Nondiscrimination, 26 Discrimination and Harassment Based on Protected Categories Other Than Sex, ~~and~~ 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression, and Policy 29 Title IX Compliance.](#)

2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies and state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
 2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
 3. Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
 4. Sexual Misconduct.
 - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based](#)

[on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression and Policy 29 Title IX Compliance](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression and Policy 29 Title IX Compliance, and any other accompanying rules, as applicable](#), rather than the process specified in Section VIII of this policy.

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

V. Classroom Misconduct

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

VI. Disciplinary Sanctions

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has

violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.

- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.
 2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
 3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
 4. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
 5. Apology. A student or student organization may be given the opportunity, under certain circumstances, required to voluntarily apologize to MTSU or its guests, another student or student organization, faculty or staff member, or any other ~~an~~ affected party, either verbally or in writing, as an alternative or in addition to the imposition of other sanctions for the behavior related to a disciplinary ~~violation~~offense.
 - ~~6. Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action being taken.~~

~~7.6.~~ Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.

~~8.7.~~ Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.

~~9.8.~~ Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies or rules. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.

~~10.9.~~ Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.

~~11.10.~~ Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.

11. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). A suspended student organization will forfeit its recognition as a student organization for the duration of the suspension. Suspension may be accompanied by special conditions for readmission or recognition.

Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student or student organization (through its authorized representative) must submit a written request to be on campus to the Dean of Students a minimum of ~~forty-eight (48) hours~~ two (2) business days in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student/organization seeks to be on campus and the location that the student/organization wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student/authorized representative of the organization is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students/organizations who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

12. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University.

A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student or student organization (through its authorized representative) must submit a written request to be on campus to the Dean of Students' office a minimum of ~~forty-eight (48) hours~~ two (2) business days in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student/organization seeks to be on campus and the location that the student/organization wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student/authorized representative of the organization is expected to carry that written decision with him/her during the time of the visit, if the request is approved.

Students/organizations who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

- ~~12.13.~~ 12.13. 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.

~~13.14.~~ 14.14. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.

~~14.15.~~ 14.15. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex, Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) or [Policy 29 Title IX Compliance](#) may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student or student organization. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within ~~five (5)~~four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

~~15-16.~~ Temporary Student Organization Cease and Desist. A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

VII. Student Conduct Hearing Officers and/or Boards

As permitted by state law and at the direction of the University President, violations under this policy may be heard by the following: administrative judge appointed by the Administrative Procedures Division of the Office of the Secretary of State, hearing officers and/or boards or committees.

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

VIII. Disciplinary Procedures

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct, which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving ~~sexual~~ discrimination and harassment, including sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) and [Policy 29 Title IX Compliance](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy or other applicable University policies and rules.
- B. Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students and student organizations should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this policy, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students and student organizations will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- C. Disciplinary Referral. Reports of behaviors and incidents involving students and student organizations may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- D. Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an

investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University officials to determine the specific information that will be shared about the behavior or incident.

E. Notice of Disciplinary Charges and Disciplinary Conference.

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

delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.

3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the alleged conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- F. Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion, or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
1. Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
 - a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and or UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.
 - b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of five (5)~~four (4)~~ business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.

- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Section VIII.E.1.) as well as the following additional rights, which shall be provided in writing:
- (1) The right to receive notice of the date, time, and place of the hearing at least five (5) ~~four (4)~~ business days in advance of the hearing;
 - (2) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (3) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g)), and the federal regulations implementing that statute, as amended;
 - (4) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment;
 - (5) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (6) ~~(6)~~ The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (7) In cases where the accused may be subject to a sanction of suspension or expulsion, or in the case of a student organization, withdrawal of recognition, some form of cross-examination must be permitted if credibility is in dispute and material to the outcome. Cross-examination must be conducted live and in front of the fact-finder but does not require personal confrontation. At the discretion of the hearing officer, cross-examination may be conducted by remote questioning or through a representative.
 - (~~8~~7) The right to question witnesses;

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

2. Uniform Administrative Procedures Act.

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

G. Separation of Functions

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

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

H. Interim Involuntary Withdrawal or Suspension Hearings.

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

being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

I. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
3. For UAPA decisions, the appeal procedures are set forth in ~~university policy and the UAPA~~ and University policies and rules implementing same.
4. UDC decisions.
 - a. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within ~~ten (10) calendar days~~ forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion.
 - b. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (1) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented

at the initial hearing, would have substantially affected the original decision of the adjudicating body.

- c. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The appellate body will make a recommendation to the Vice President for Student Affairs whether to affirm, modify, or reverse the decision of the UDC or to ~~The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and~~ return the matter to the original adjudicating body for reconsideration ~~of sanctions only~~.
- J. Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a disciplinary conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.
- K. Retention of Records. The Office of Student Conduct will maintain disciplinary records created in matters covered by this policy, including records and evidence presented during any investigation, hearing, and appeal in the manner required by state records retention requirements. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student or student organization is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's or student organization's name.

IX. Alternative Resolution of Disciplinary Incidents

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

X. Victim's Rights

- ~~A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.~~
- ~~B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression. These victims are afforded the following rights:~~

- ~~1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;~~
- ~~2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;~~
- ~~3. The victim shall be given an opportunity to submit a written account of the alleged incident;~~
- ~~4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;~~
- ~~5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;~~
- ~~6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;~~
- ~~7. The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.~~

XI. Authority of the President

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

Forms: none.

Revisions: June 5, 2017 (Original); March 27, 2018; June 18, 2019; _____, 2021.

Last Reviewed: ~~November 2020.~~ _____ 2021.

References: Family Educational Rights and Privacy Act of 1974; Tennessee Open Records Act; T.C.A. § 4-5-301, et. seq.; § 10-7-504(a)(4); § 49-7-123(a)(1); § 49-7-146; §§ 49-7-1701, et. seq.; Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination; 26 Discrimination and Harassment Based on Protected Categories Other Than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 29 Title IX Compliance; 32 University Committees; 100 Use of Campus Property and Facilities Scheduling; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 312 Academic Misconduct; 500 Access to Education Records; 541 Residential Life and Housing Rules; 705 Weapons on Campus; 750 Tobacco-Free Campus; 775 Traffic, Parking, and Safety Enforcement; 910 Information Technology Resources.



540 Student Conduct

Approved by Board of Trustees

Effective Date: _____, 2021

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students through University Discipline and Rules Committee

I. Purpose

- A. Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- B. Student members of the university community are expected to uphold and abide by standards of conduct that form the basis of our Student Conduct Rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- C. The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- D. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws the complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without the victim's input.

- E. The University is committed to respecting students' constitutional rights. This policy shall be interpreted in a way that does not violate students' constitutional rights including, without limitation, the rights protected by the First Amendment to the United States Constitution.

II. Definitions

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

III. Responsibility and Jurisdiction

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its

educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined above. The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with this policy. The University Officials shall implement policies, procedures, or other requirements for the administration of the student conduct program.

- B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in [Policy 312 Academic Misconduct](#).
- C. Students and student organizations are responsible for compliance with applicable University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:
 - 1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - 2. Any situation that significantly impinges upon the rights, property, or achievements of others;
 - 3. Any situation that is detrimental to the educational mission and/or interests of the University.
- E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.

- F. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts. Students have the right to review their own disciplinary files as set forth in [Policy 500 Access to Education Records](#).

IV. Student Conduct Rules: Values and Behavioral Expectations

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

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

applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

- a. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:
 - (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (3) using a prescription drug that has not been prescribed to the individual.
- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
- c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

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

4. Public Intoxication.

- a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be

endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.

- b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
6. Violation of University Rules. Any violation of the general policies, procedures, or other rules of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:
 - [Policy 100 Use of Campus Property and Facilities Scheduling](#)
 - [Policy 312 Academic Misconduct](#)
 - [Policy 541 Residential Life and Housing Rules](#)
 - [Policy 750 Tobacco-Free Campus](#)
 - [Policy 775 Traffic, Parking, and Safety Enforcement](#)
 - [Policy 910 Information Technology Resources](#)
7. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
8. Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
9. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.

10. Obstruction of or Interference with University Activities or Facilities. Any intentional interference with or obstruction of any University program, event, or facility including, but not limited to, the following:
- a. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - b. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;
 - c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - d. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
13. Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently

- offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
 15. Gambling. Unlawful gambling in any form.
 16. Joint Responsibility. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.
 17. Litter. Dispersing litter in any form onto the grounds or facilities of the University or on property owned, leased, or controlled by the University.
 18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 19. Graffiti. Damage or defacement of MTSU property or on property owned, leased, or controlled by the University by painting, chalking, writing, stenciling, or by any other means of application on such property.
- B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.

3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
 6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
 7. Unauthorized Surveillance. Making or causing to be made unauthorized images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian, recognizing that the parent cannot consent on behalf of a child for criminal acts as provided in state law. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies or rules, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal](#)

[Opportunity, Affirmative Action, and Nondiscrimination](#), [26 Discrimination and Harassment Based on Protected Categories Other Than Sex](#), [27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#), and [Policy 29 Title IX Compliance](#).

2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies and state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
 2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
 3. Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
 4. Sexual Misconduct.
 - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based](#)

[on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) and [Policy 29 Title IX Compliance](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) and [Policy 29 Title IX Compliance](#), and any other accompanying rules, as applicable, rather than the process specified in Section VIII of this policy.

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

V. Classroom Misconduct

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

VI. Disciplinary Sanctions

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has

violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.

- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.
 2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
 3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
 4. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
 5. Apology. A student or student organization may be given the opportunity, under certain circumstances, to voluntarily apologize to MTSU or its guests, another student or student organization, faculty or staff member, or any other affected party, either verbally or in writing, as an alternative or in addition to the imposition of other sanctions for the behavior related to a disciplinary offense.
 6. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.

7. Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
8. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies or rules. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.
9. Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
10. Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
11. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). A suspended student organization will forfeit its recognition as a student organization for the duration of the suspension. Suspension may be accompanied by special conditions for readmission or recognition.

Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student or student organization (through its authorized representative) must submit a written request to be on campus to the Dean of Students a minimum of two (2) business days in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student/organization seeks to be on campus and the location that the student/organization wishes to visit. The Dean of Students will issue a written

decision regarding the request to be on campus, and the student/authorized representative of the organization is expected to carry that written decision with him/her during the time of the visit, if the request is approved.

Students/organizations who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

12. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University.

A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student or student organization (through its authorized representative) must submit a written request to be on campus to the Dean of Students' office a minimum of two (2) business days in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student/organization seeks to be on campus and the location that the student/organization wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student/authorized representative of the organization is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students/organizations who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

13. 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.
14. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
15. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student

organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final No Contact Directive or other restriction issued in conjunction with an investigation conducted pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex, Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) or [Policy 29 Title IX Compliance](#) may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student or student organization. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within five (5) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

16. Temporary Student Organization Cease and Desist. A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations

and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

VII. Student Conduct Hearing Officers and/or Boards

As permitted by state law and at the direction of the University President, violations under this policy may be heard by the following: administrative judge appointed by the Administrative Procedures Division of the Office of the Secretary of State, hearing officers and/or boards or committees.

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

VIII. Disciplinary Procedures

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct, which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving discrimination and harassment, including sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation,](#)

[and Gender Identity/Expression and Policy 29 Title IX Compliance](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy or other applicable University policies and rules.

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

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

- a. The right to know what disciplinary violation(s) they have been charged with;
 - b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 - c. The right to be accompanied by an advisor of their choosing whose participation is limited to directly advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 - d. The right to receive the decision and their imposed sanctions in writing.
2. The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
 3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the alleged conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.

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

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

- a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and/or UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.
- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of five (5) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Section VIII.E.1.) as well as the following additional rights, which shall be provided in writing:
 - (1) The right to receive notice of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - (2) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;

- (3) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
- (4) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment;
- (5) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
- (6) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
- (7) In cases where the accused may be subject to a sanction of suspension or expulsion, or in the case of a student organization, withdrawal of recognition, some form of cross-examination must be permitted if credibility is in dispute and material to the outcome. Cross-examination must be conducted live and in front of the fact-finder but does not require personal confrontation. At the discretion of the hearing officer, cross-examination may be conducted by remote questioning or through a representative.
- (8) The right to question witnesses;
- (9) The right to be informed of an appeal option, if applicable.

2. Uniform Administrative Procedures Act.

- a. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have

the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student's/student organization's rights as are found in Sections VIII.E.1. a. – d. and VIII.F.1.c.(1)-(8).

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

G. Separation of Functions

1. A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
2. A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.
3. A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
4. A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.

5. Nothing in this Section G. prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

H. Interim Involuntary Withdrawal or Suspension Hearings.

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

I. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the

- University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
 3. For UAPA decisions, the appeal procedures are set forth in the UAPA and University policies and rules implementing same.
 4. UDC decisions.
 - a. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within ten (10) calendar days of the date on which notice was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion.
 - b. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (1) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
 - c. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The appellate body will

make a recommendation to the Vice President for Student Affairs whether to affirm, modify, or reverse the decision of the UDC or to return the matter to the original adjudicating body for reconsideration.

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

IX. Alternative Resolution of Disciplinary Incidents

- A. **Mediation.** Students or student organizations involved in conflict(s) with another individual(s)/organization(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 1. All parties involved must willingly agree to the mediation process;
 2. The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 3. The agreement reached through mediation is not subject to any appeals process;

4. If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
5. If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.

B. Informal Agreement. There may be times when it is appropriate for a student or student organization to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students. Any informal agreement reached with a student or student organization will be documented by the Office of Student Conduct and signed by both parties.

X. Authority of the President

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

Forms: none.

Revisions: June 5, 2017 (Original); March 27, 2018; June 18, 2019; _____, 2021.

Last Reviewed: _____ 2021.

References: Family Educational Rights and Privacy Act of 1974; Tennessee Open Records Act; T.C.A. § 4-5-301, et. seq.; § 10-7-504(a)(4); § 49-7-123(a)(1); § 49-7-146; §§ 49-7-1701, et. seq.; Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination; 26 Discrimination and Harassment Based on Protected Categories Other Than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 29 Title IX Compliance; 32 University Committees; 100 Use of Campus Property and Facilities Scheduling; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 312 Academic Misconduct; 500 Access to Education Records; 541 Residential Life and Housing Rules; 705 Weapons on Campus; 750 Tobacco-Free Campus; 775 Traffic, Parking, and Safety Enforcement; 910 Information Technology Resources.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Rule Promulgation and Related Policy Revision
541 Residential Life and Housing**

BACKGROUND INFORMATION:

Revisions to Policy 541 Residential Life and Housing Policy were drafted to underscore the distinction between an assigned living space and the larger residential facility in which such space is located; redefine the term “occupant” to provide clarity around who may reside with a student resident in an assigned living space; add a force majeure clause; update visitation protocols; and to expand the list of prohibited items in an effort to better align with revised Policy 770 Fire Safety in On-Campus Student Residential Housing.

A parallel new rule, Rule 0240-07-07 Residential Life and Housing, is also presented and will capture the revised version of Policy 541 as a formal rule.



541 Residential Life and Housing ~~Rules~~Policy

Approved by Board of Trustees

Effective Date: ~~June 5, 2017~~ _____, 2021

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students through University Discipline and Rules Committee

I. Purpose

A student residence ~~hall~~facility is a densely populated community composed of students with many different interests, habits, and tastes. Middle Tennessee State University (MTSU or University) is committed to the concept that on-campus student residence facilities should provide an atmosphere conducive to both living and learning where, in a spirit of cooperation and consideration for others, students may live, study, and relax together. This policy provides rules to establish and maintain that atmosphere.

II. Definitions

A. Assigned Living Space. The personal dwelling unit of a student and/or occupant residing within a student residence facility.

~~A.B.~~ _____ Guest(s). Any person invited by a student resident, occupant, or the University to visit in a student residence facility.

~~B.C.~~ _____ License Agreement (Agreement). The contract document setting forth the terms of occupancy of any student residence facility/unit as between the University and student residents that occupy any such student residence facility/unit.

~~C.D.~~ _____ Occupant(s). Legal spouse or child Spouses, children, immediate family members, and/or other persons residing with a student resident in a an assigned living space ~~student residence facility/unit~~. The occupant(s) may also be referred to as resident(s).

~~D.E.~~ _____ Premises. Any student residence facility owned or operated by the University to provide housing accommodations for student residents.

~~E.~~

F. Prepayment Fee. A payment required by the University to secure assigned living space ~~accommodation~~ within a student residence facility prior to taking occupancy of a

particular ~~assigned living space, room, bed, or unit~~. The prepayment fee is applied toward housing costs except where forfeitures apply.

- G. Semester Fee. The payment required to occupy an assigned living space within a student residence facility for a specified term.
- H. Student(s). For the purposes of this policy, student refers to the individual officially enrolled and residing on premises in an assigned living space who is a signatory to the ~~student housing license~~ License Agreement. The ~~student(s) and/or occupants~~ may also be referred to as resident(s).

III. Eligibility

Full-time students officially admitted and enrolled at the University for the Fall or Spring semester shall be eligible to reside in a student residence facility ~~on premises~~ during their period of enrollment. Part-time students are not eligible to reside in student residence facilities, unless a waiver is provided by the Director of Housing and Residential Life. Such waivers shall be granted on a case-by-case basis. ~~Part-time students shall be eligible to reside in student residence facilities on a space-available basis only.~~ Students who drop below full-time enrollment during the academic year should not assume ~~that~~ they will be released from the obligations of their ~~license a~~ Agreement (Agreement). Student residence facilities may be leased/licensed to other persons in connection with programs and activities on campus at the discretion of the University.

All students, with the exception of students who are prohibited by federal or state law from residing in student residence facilities for any reason, shall have an equal opportunity to reside in student residence facilities regardless of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, familial status, age or disability, provided that separate student residential facilities may be established on the basis of sex.

Occupant residents residing in assigned living space must be the legal spouse or child of a student resident.

Summer housing is available to MTSU students enrolled in summer courses and occupants residing with such students, provided students are enrolled in the summer session for which they plan to reside in a student residence facility.

No person who is registered or required to register as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, as amended, T.C.A. §§ 40-39-201, et. seq., shall be eligible to reside in any on-campus student residence facility ~~including residence halls, apartments, and houses~~.

IV. Application Process

Application Process and Fees. Students must make application for permission to reside in a student residence facility on-campus by returning a completed application signed by the student and, as applicable, the student's parent/guardian or student's spouse. A completed application, including the required signatures, indicates acceptance of the terms and conditions contained in the Agreement. The completed application shall be incorporated by reference as an exhibit to the signed Agreement.

At the time of application, the Student must also submit a prepayment fee. Semester fees are due and must be paid during the fee payment period at the beginning of the term. Fees are subject to change each year. See [Housing Rates](#) for Fall/Spring or Spring Only or contact Housing and Residential Life (Housing) at 615-898-2971 or by email at housing@mtsu.edu for additional information and current fee rates.

The prepayment fee is refundable prior to first check-in date according to the schedule included in the Student Housing License Agreement and sSection V below. All cancellations must be submitted in writing to Housing and Residential Life, MTSU Box 6, Murfreesboro, TN 37132 or by fax to 615-898-5459 or by email to at housing@mtsu.edu www.mtsu.edu/housing.

Mandatory Board Plan for Freshmen. Students classified as freshmen not assigned as a family unit are required to purchase an approved board plan option.

Required Immunizations. All new incoming students who live on campus are required to provide proof of adequate immunization against Meningococcal disease after their 16th birthday and within the last five (5) years. Some exemptions exist for students who provide the appropriate medical or religious exemption form to Student Health Services. This requirement does not replace the Hepatitis B/Meningitis Waiver Form required by Student Health Services of all MTSU students living on or off campus. New incoming students living in on-campus housing will not have the option of refusing this immunization without providing Student Health Services with appropriately executed medical or religious exemptions. To ensure compliance, students are eligible for housing assignment contingent on proof of adequate immunization against Meningococcal disease. This means a housing application will be accepted but a living space cannot be assigned until vaccination against the Meningococcal disease is confirmed by MTSU Student Health Services. For more information on all required immunizations, see [Health Services website](#).

V. Student Housing License Agreement

The Agreement contains applicable provisions regarding prepayment, cancellations, and refunds. Students are responsible for compliance with each provision and term of the Agreement and this policy. A copy of the Agreement may be found at www.mtsu.edu/housing. Prospective students should request a copy of the agreement from Housing and Residential Life.

The term of an Agreement is for the full academic year (Fall and Spring semesters). The Student who enrolls in the University for the Fall semester and who signs an Agreement

agrees to reside in a student residence facility on-campus housing for both the Fall semester and the Spring semester provided they/he/she enrolls in the University during both semesters. Agreements entered into any time after the first (1st) day of the Fall semester or Spring semester continue in effect until the close of the academic year ~~under the same conditions~~.

Students must check out of their student residence facility within twenty-four (24) hours of if they_ withdrawing ing from the University or failing ing to enroll in classes at the University.

The aAgreement or an attachment to it must document/identify spouses, children, dependents, and/or other persons residing with the student in the student residence facility.

Assignment/Subletting. No student shall assign the ~~lease/~~license to use -of any assigned living space within a student residence facility or sublet any assigned living space within the student residence facility. A-and any attempted assignment shall be void without the written consent of the University.

~~Liability for Damage. Each student agrees to pay the University, immediately upon demand, for any and all damages to the premises, including but not limited to, damages to exterior or interior walls, ceilings, floors, windows, doors, locks, hardware, plumbing fixtures, cabinets, shrubbery, lawn, appliances, fixtures, or furnishings of the unit and its surrounding premises, if such damage is caused by an act or failure to act by the student or guests of the student.~~

Cancellation of the Agreement; Refunds. The sStudent or University may cancel the aAgreement under the circumstances indicated below:

A. Prior to the beginning of the Term.

1. If the student completes the application process and is assigned a living space but does not enroll in classes for Fall and/or Spring term and fails to properly check in prior to the first (~~1st~~) day of classes for any given term, University may cancel the aAgreement. The sStudent will be considered a no-show subject to forfeiture of their/his/her prepayment amount. In cases between terms where the student's personal items have been stored as an accommodation during a non-contract period, student will be subject to forfeiture of their/his/her_ prepayment as well as storage fees and associated costs for removal of personal belongings.
2. Prepayment fee refunds. The amount of any refund of the prepayment fee is made based on the cancellation postmark date, the date a confirmed cancellation email was sent, or the date of hand delivery of the written notice of cancellation. The schedule for refunds, including dates and amounts is specified in the Aagreement form.

B. During the Term of the Agreement. The aAgreement may be cancelled consistent with the criteria identified below:

1. If the student officially withdraws from the University and has complied with check-out procedures, University may cancel the Agreement for the remaining portion of the term. If the student enrolls for Spring term, the agreement will be reinstated and appropriate charges will be assessed to student's account.
2. If the student does not plan to enroll for the Spring term and notifies University in writing, the agreement will terminate on the day of the student's last Fall term exam or graduation date, if the student is among those scheduled, in advance, to graduate and not scheduled to return to the University in a student status. If the student enrolls for Spring term, the agreement will be reinstated and appropriate charges will be assessed to student's account.
3. Prepayment fee refunds; Fall Residents Not Enrolling for the Spring Term. The prepayment fee may be refunded as specified below provided the student has appropriate prepayment on file. The amount of any refund of the prepayment fee is made based on the cancellation postmark date, the date a confirmed cancellation email was sent, or the date of hand delivery of the written notice of cancellation. The schedule for refunds, including dates and amounts of such refund, is specified in the agreement-~~form~~.

A full prepayment refund is available under the following conditions:

- a. The student is prevented from attending the University because of a medical reason(s) confirmed in writing by a licensed healthcare professional physician ~~and~~ deemed acceptable at the discretion of the University and, due to withdrawal from the University, must cease to occupy assigned living space.
 - b. Residence space is not available.
 - c. The death of the student.
4. Semester fee refunds. No refund will be made other than under the following conditions:
 - a. Refund of semester fees will be made on a prorated weekly calendar basis if the student is forced to withdraw from the University for a medical reason(s) which must be confirmed in writing by a licensed healthcare professional physician ~~and~~ deemed acceptable at the discretion of University and, due to withdrawal from the University, must cease to occupy assigned living space.
 - b. Refund of semester fees will be made on a prorated weekly calendar basis if the student is requested to leave the premises for other than disciplinary reasons.

- c. No refund of fees for the academic year will be made if student is required to vacate assigned living space for disciplinary reasons.
 - d. A full refund of housing fees will be made in the event of student's death.
 - e. Withdrawals for other reasons will be subject to University's fee adjustment period as outlined in the registration guide.
5. Students who participate in an off-campus academic experience may be eligible for release from the Agreement provided the experience requires the student's regular and/or continued presence at a location significantly distant from the campus so as to constitute an undue hardship on the student, to be determined at the discretion of University. If termination is granted, the Agreement will terminate on the day of the student's last fall term exam or graduation date, if the student is among those scheduled, in advance, to graduate. Students seeking this option must petition for such relief by submitting, prior to ~~Octo~~November 15, a License Agreement Cancellation Request form outlining the academic experience. The student will be and are required to provide ~~additional~~ supportive documentation from the college and/or internship site or assignment.
 6. In the event ~~that~~ the assigned living space is destroyed or otherwise rendered uninhabitable and University does not provide alternative assigned living space~~premises~~, the agreement will be cancelled and housing fees will be refunded on a prorated basis.
 7. The University assumes no responsibility for any delay or failure to perform any terms or conditions of the Agreement due to a force majeure, including, but not limited to, fire, earthquake, hurricane, flood, severe storms, acts of God, strikes or labor disputes, riots or civil disturbances, war, national emergency, terrorism, threats of sabotage or terrorism, explosions, plagues, epidemics, pandemics, acts of governmental authorities, or any other occurrence beyond the University's reasonable control. In the event of a force majeure, the University reserves the right to modify housing accommodations and access to dining services, and will not reimburse or prorate charges related to room and board.

VI. Housing Assignment

The University reserves the right to make all housing assignments and to make any assignment changes or transfers considered necessary. Assignments are made ~~by date of application~~ without regard to race, color, national origin, religion, sex, familial status, or disability, although separate student residence facilities or areas of student residence facilities may be established on the basis of sex.

Housing assignments are made based on the date of application, payment of applicable fees, and submission of required immunization documentation. A specific building, type of room, and specific roommate cannot be guaranteed.

Special living-learning programs may include specific additional criteria for participation/assignment.

In the event any occupant of a multiple occupancy student residence facility ceases to reside in the unit assigned living space for any reason, the University shall have the right to reassign the remaining occupants to another student residence facility on campus.

Changes to Assigned Living Space~~Room Changes~~. Students may submit requests for ~~room~~ changes to their assigned living space to~~with~~ Housing and Residential Life. Students moving out of or into a student residence facility without having written authorization from Housing and Residential Life will be in violation of the ~~a~~Agreement. All changes are authorized on a space-available basis.

A student and/or a student with dependents residing in student residence facilities on campus must notify Housing and Residential Life in writing of any changes in the family unit (e.g., divorce, marriage, change of custody, adoptions, births) during the period of occupancy. Changes in family unit are subject to review and the student may be required to provide appropriate documentation at the discretion of the Director of Housing and Residential Life or designee. Change in family unit may not qualify as a condition for release from the License Agreement . However, it may qualify the student for assignment change provided alternative assigned living space is available.

VII. Check-In and Check-Out

Students may move into their assigned living space by reporting to check-in locations during the dates and times specified in their Agreements. Unless previous arrangements have been made, any student who fails to check in during the specified dates and times will forfeit their/his/her original room assignment. Students who fail to check into their student residence facility buildings~~and~~ who also fail to enroll in classes by the late registration deadline will forfeit their prepayments as specified in the Student Housing License Agreement section of this policy and in the Agreement,~~and their agreements will be voided~~. An enrolled student who fails to check into the student residence facility building~~but~~ who has not been granted an approved agreement~~release~~ from their Agreement will remain subject to the financial obligation incurred by signing the Agreement.

Each student must check out in person with the area coordinator or designated representative at the end of each semester and turn in all keys to the assigned living space~~the room key~~. Their assigned living space~~His/her room~~ must be clean and all personal property must be stored or removed. Housing and Residential Life assumes no responsibility for property left in assigned living spaces~~rooms~~ after check-out and/or student residence facility closing. Where applicable, additional charges for cleaning the assigned living space~~room~~ or removing abandoned items may be assessed to the student's account.

VIII. Responsibility for and Maintenance of Property

Responsibility for Personal Property. The University does not assume any legal obligation to pay for the loss or damage to personal property of residents occurring in its buildings or on its grounds. Students or their parents are encouraged to carry appropriate insurance to cover such losses.

Aid in Maintenance. Students shall assist and cooperate with the University in the care and maintenance of the premises and shall report promptly to their student residence ~~facility-hall~~ staff any breakage, damage, or need for repair of the ~~S~~student's assigned living space~~room~~, facilities, or equipment therein. Students shall not adjust or tamper with any mechanical equipment.

Students are responsible for the care and preservation of their assigned living spaces~~rooms~~ and all University-owned equipment and ~~room~~furnishings. All students will complete a room inventory when they establish occupancy. Damages occurring during their period of occupancy beyond normal wear will be assessed to the individual(s) responsible as will unusual cleaning charges. Furnishings must not be removed from the assigned living space~~room~~ or public areas without the authorization of the area coordinator. Students shall make no alterations, changes, repairs, remodeling, or painting of the ~~premises~~assigned living space. Pictures and other materials may be posted on walls within the assigned living space~~student rooms~~ using a non-defacing adhesive. No nails or screws may be driven into any wall. The student(s) responsible will bear the cost of repair or replacement for damaged or misplaced furnishings. Costs for damages or loss occurring in the public areas of a building will be shared equally by all students responsible for that area of the building when the damage or loss cannot be attributed to specific individuals. A minimum damage charge of one dollar (\$1.00) per occurrence will be assessed to each student.

Each student agrees to pay the University, immediately upon demand, for any and all damages to the ~~premises~~assigned living space, including but not limited to damages to exterior or interior walls, ceilings, floors, windows, doors, locks, hardware, plumbing fixtures, cabinets, shrubbery, lawn, appliances, fixtures, and furnishings of the ~~unit~~assigned living space and its surrounding premises, if such damage is caused by an act or failure to act by the student or guests of the student.

Removal of Personal Property; Abandoned Property. Personal property of any kind that remains in ~~a room~~an assigned living space either after a student: (1) withdraws from classes at the University, (2) has their/his/her aAgreement terminated, (3) is otherwise relocated (from building to building, from room to room, from side to side, or within the designated area assigned), (4) has checked out; or, (5) after the facilities have been closed, will be considered abandoned property. The University shall have the right to remove the student's personal property and store the belongings. The University will then dispose of such items in accordance with [Policy 685 Disposal of Surplus Property](#). Any applicable cleaning, packing, or storage charges will be assessed to the student's account. Housing assumes no responsibility for abandoned property that is lost, stolen, or damaged during packing, storage, or disposal.

IX. Safety and Security

Residents must share responsibility for maintaining a safe and secure residential community. Residents should keep their doors and windows locked any time they are out of the ~~room~~assigned living space, even for short periods of time. Residents who do not keep their doors and windows locked any time they are out of the ~~room~~assigned living space, or who prop open wing or building doors may be subject to disciplinary action. All visitors to student residence halls~~facilities~~ must enter/exit only from the main entrance/door of the building, unless special permission has been secured from the area coordinator. Residents leaving the building through locked security doors are responsible for ensuring that the doors close to the locked position.

During holiday periods, doors and windows should be securely locked, and window shades should be opened. Items of value should not be left in ~~a room~~the assigned living space over a holiday period. Any theft or losses should be reported to the University Police. Housing and Residential Life is not responsible for loss, damage, or theft of personal property. Residents and/or their parents are strongly encouraged to carry appropriate insurance to cover the potential theft, loss, or damage of personal property.

Card Access Systems. All students are expected to carry and swipe their own student identification (ID) cards to enter student residence facilities~~hall buildings~~ with an installed card access system. Students who experience difficulty using their ID cards to gain entry to a building should contact the ~~residence hall~~ front desk of the student residence facility. As a security precaution, students who lose their ID cards should report the loss to the ~~residence hall~~ front desk of the student residence facility and the ID Office. Residents are not permitted to share or loan their ID cards with other persons.

Keys. All keys to assigned living spaces ~~Room or apartment keys~~ are the property of the University, and a student may not have duplicate keys made. Students who misplace their keys and need access to their ~~rooms~~assigned living spaces should contact their ~~residence hall~~ front desk of the student residence facility to be issued a temporary key. As a security precaution, students who lose their keys will have their locks changed and the core replaced and will be charged the appropriate fee. Residents are not permitted to share or loan their keys to other persons.

Fire safety. The sounding of false fire alarms and tampering with firefighting or safety equipment, including extinguishers, hoses, EXIT signs, and the alarm system is prohibited. Residents are responsible for safely evacuating the building immediately upon the sounding of the alarm or as otherwise directed by student residence facility~~hall~~ staff. ~~Students failing to appropriately evacuate the building may be subject to disciplinary action.~~

Fire drills. Each student residence facility~~hall~~ will conduct a minimum of two (2) fire exit drills each semester. One (1) will be announced and notice given to all building staff and residents. One (1) will be unannounced without notice to either the building staff or residents.

Disease. Students will report immediately to the University any infectious or contagious disease occurring within the student residence facility~~halls or apartments. This is to insure the safety of all residents.~~

X. Entry and Inspections Searches

A student's assigned living space~~residence facility~~ may be entered at all reasonable times to examine and inspect the space~~facility~~ for maintenance, health, safety, emergency purposes, or to render service and/or repairs to the facility~~assigned living space~~. Students shall permit the duly authorized agent, employee, or representative of the University to enter without notice any part of the ~~dwelling unit~~assigned living space during reasonable hours for the purpose of inventory, maintenance inspections, improvements, or repair to any part of such ~~dwelling unit~~assigned living space.

Any student's assigned living space~~residence facility~~ may be inspected~~searched~~ with the consent of the student or any other occupant of the facility~~assigned living space~~.

All entries and inspections~~searches, other than those described in sections immediately above,~~ shall be conducted in accordance with federal and state laws.

Health and Safety Inspections; Maintenance Inspections. Health and safety inspections will be conducted in all student residence facilities on a monthly basis by Housing and Residential Life staff to determine compliance with safety, health, and maintenance standards. Notice will be given prior to these inspections. Maintenance inspections occur when a work order has been submitted or when Housing and Residential Life staff becomes aware of an issue. These inspections ~~and~~ will be conducted by University personnel during reasonable hours. Residents who fail to comply with the safety, health, and maintenance standards may be subject to disciplinary action.

XI. Visitation

Students and occupants shall be responsible for the compliance of their invited guests with this policy. ~~Violators are subject to appropriate disciplinary action.~~

- A. Visitation hours will be 10:00 a.m.~~noon~~ until midnight Sunday through Thursday, and 10:00 a.m.~~noon~~ until 2:00 a.m. on Friday and Saturday. All guests~~visitors~~ are required to check in at the front desk or other designated area and must be escorted at all times. Guests are not to wander in the student residence ~~halls~~facilities nor are they permitted in opposite sex restrooms. If escorted at all times by the host, guests are permitted in any ~~residence hall~~ common area of the student residence facility.
- B. Guests will be permitted in ~~rooms~~assigned living spaces only with the permission of the other occupants of the ~~room~~assigned living space. Interference with another occupant's privacy, use, and enjoyment of the assigned living space~~room~~ will not be allowed.
- C. Visitation hours during summer sessions will be 10:00 a.m.~~noon~~ until midnight Sunday through Thursday, and 10:00 a.m.~~noon~~ until 2:00 a.m. on Friday and Saturday.

- D. It is the responsibility of all students to be aware of the visitation hours/policy for the hall student residence facility they are visiting. ~~Failure to comply with the visitation rules may result in disciplinary action.~~
- E. A register will be maintained at ~~the each residence hall~~ front desk of each residence facility that has twenty-four (24) hour staff. Students having guests are responsible for seeing that their guests provide identification and sign the register when entering and leaving the hall student residence facility as directed by the student residence hall facility staff.
- F. Each guest must be escorted by the student host from the lobby to the assigned living space they are ~~room he/she is~~ visiting and from the assigned living space ~~room~~ back to the lobby.
- G. Room checks may be made at any time during visitation by student residence hall facility personnel. Violations of visitation guidelines will be reported to the appropriate area coordinator of the participating hall student residence facility. ~~Disposition of such cases will be treated in the same manner as other violations of University policy.~~
- H. There will be no more than a total of five (5) guests in an assigned living space ~~room~~ at any given time except in cases where guests are members of the student's immediate family.
- I. ~~Students and guests must be properly attired in apparel suitable for class.~~
- J. ~~Any student who violates visitation policies~~ or whose guests violate visitation policies may lose subsequent visitation privileges, ~~as well as incur other disciplinary action.~~
- J~~K~~. Visitation regulations apply to all guests regardless of gender.
- K~~L~~. Overnight guests of the same sex are permitted, if the following conditions are met:
1. The guest is registered with the area coordinator prior to staying overnight.
 2. The student host informs the guest of student residence hall facility regulations and accepts responsibility for the guest's conduct.
 3. Permission for a guest to stay more than two (2) consecutive nights must be obtained from the Director, Housing and Residential Life and/or designee.

XII. Housing Disciplinary Offenses

Students, occupants, and guests are subject to, and shall comply with, the rules and policies of the ~~Board, and all University rules and policies~~, as well as all federal and state laws. Violators are subject to appropriate disciplinary action.

~~Housing & Residential Life has adopted t~~The following is a non-exclusive list ~~providing notice~~ of offenses for which students may be subject to disciplinary action through the process set out in Section XIV. Students may be subject to additional disciplinary charges and sanctions through the Office of Student Conduct pursuant to Policy 540 Student Conduct. Violations may also result in cancellation of the student's Agreement.

- A. Alcohol. The use and/or possession of alcoholic beverages is prohibited ~~on the University campus and~~ in all student residence facilities. Empty alcohol containers (including but not limited to bottles, cans, shot glasses, flasks, and kegs) may not be used for display purposes in any student residence facility or assigned living space.
- B. Bicycles and Motorcycles. Parking or storing bicycles, mopeds, or motorcycles is not permitted in hallways, stairways, outside walkways, fire escapes, or lobbies of student residence facilities. Bicycles may be kept inside the student residence facility, in bicycle storage rooms or assigned living spaces~~individual student rooms~~, providing they do not block entrances or exits. Bicycles may not be kept in public areas (i.e. hallways, lounges, stairwells, etc.).
- C. Business or Commercial Use. Student residence facilities may not be used for any business or commercial purpose. The facilities are to be used for residential purposes only.
- ~~D. Cable Theft. Cable theft is the receipt of cable services without the express authorization of a cable television operator. Theft includes splitting cable wires or attaching a black box that can alter the cable equipment owned by the operator.~~
- ~~E.~~D. Computer and Network Acceptable Use. Policy 910 Information Technology Resources is intended to prevent abuses of equipment and services, and to ensure that the use of computers and networks honors the public trust and supports the University's mission to educate students, conduct research, and provide public service. Using MTSU and state resources for unauthorized copying and/or distribution of copyright-protected information, music, video, and software is prohibited.
- ~~F.~~E. Construction. No construction of any kind is allowed without prior written consent of the University.
- ~~G.~~F. Data Service. All student residence facilities have direct data network access via Ethernet jack and wireless. All residents using the MTSU data network must adhere to all provisions of Policy 910 Information Technology Resources.
 1. Wireless routers are not permitted.

2. Servers of any type are not allowed in student residence facilities. This includes but is not limited to Web, FTP, telnet, game, peer-to-peer, and file servers. Servers discovered in operation are subject to disconnection.
3. Distributing copyrighted material without permission is not permitted and may result in suspension of network access as well as other sanctions.
4. Internet Protocol (IP) addresses are centrally assigned and may not be changed. To receive this address and other necessary configuration information, the network card must be set to obtain address information automatically via Dynamic Host Configuration Protocol (DHCP). Computers attempting to circumvent this registration and assignment process are subject to disconnection.

~~H.G.~~ Disturbances or Nuisances. No student resident shall permit or create a nuisance or disturb any other residents of the facility. Students shall not conduct or permit activities in their student residence facilities ~~that would, or~~ in any manner, ~~create disturbances or which would~~ cause disruption to other residents.

~~H.~~ Drugs. The unlawful use and/or possession of drugs and/or drug paraphernalia is prohibited on the University campus and in all student residence facilities. ~~Students found responsible for drug violations will be removed from the residence halls, apartments, and/or houses.~~ Housing and Residential Life has a zero-tolerance policy meaning students found in violation of drug or drug-related policies will be removed from the student residence ~~facility halls and/or apartments~~ and be responsible for paying out the academic year ~~A housing~~ agreement in full. Any reasonable suspicion of drug use or possession including odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption will lead to an investigation and possible violation of this rule.

~~H.~~ Electrical Kitchen Appliances. Appliances with open heating elements may not be operated in student residence ~~facilities hall rooms.~~

~~H.~~ Failure to Comply with Sanctions. Failure to fully comply with disciplinary sanctions imposed subsequent to the process set forth in Section XIV.

~~H.~~ Failure to Cooperate with Institutional Officials. Any act of insubordination or failure to cooperate with University officials, including all levels of Housing and Residential Life staff acting in the performance of their duties, is grounds for the immediate termination of the Agreement.

~~L.M.~~ Fire Hazards. Students shall permit no combustible material to be kept in an assigned living space or on the premises and shall take every precaution to prevent fires. Fire escapes shall be kept clear of all items and shall be used in case of emergency only. Students will not store or lock anything on or immediately adjacent (within two [2] feet) to electrical meters or conduits from these meters leading into student residence ~~facilities halls, apartments, and houses.~~

- MA. Fire Safety. The sounding of false fire alarms and tampering with firefighting or safety equipment, including extinguishers, hoses, EXIT signs, and the alarm system is prohibited. Residents are responsible for safely evacuating the building immediately upon the sounding of the alarm or as otherwise directed by student residence ~~hall~~facility staff. Students failing to appropriately evacuate the building may be subject to disciplinary action.
- NO. Firearms, Explosives, Fireworks, and Inflammables. The possession or use of firearms, slingshots, paint ball guns, super-soakers, explosives, fireworks, inflammable fluids, dangerous chemical mixtures, pellet guns, B.B. guns, propelled missiles, tasers, stun guns or ammunition (which includes but is not limited to bullets, paint balls, pellets, and B.B.s) is prohibited.
- PO. Heating. Students shall not use any appliances for heating except those provided with prior written consent of the University.
- QP. Illegal activities. Illegal activities of any kind within student residence facilities are prohibited.
- QR. Keys. Keys to assigned living spaces ~~Room or apartment keys~~ are the property of the University, and a student may not have duplicate keys made. ~~Students who misplace their keys and need access to their rooms should contact their residence hall front desk to be issued a temporary key. As a security precaution, students who lose their keys will have their locks changed and the core replaced and will be charged the appropriate fee. Residents are not permitted to share or loan their keys to other persons.~~
- RS. Noise and Quiet Hours. The primary aim of Housing and Residential Life is to maintain an atmosphere conducive to the pursuit of residents' academic goals and to provide an opportunity for uninterrupted study and rest. Courtesy hours are in effect twenty-four (24) hours a day. Unnecessary noise, from whatever the source, must be discontinued upon request. Quiet hours are in effect from 9:00 p.m. until 9:00 a.m. every day. ~~Students who show a disregard for quiet hours may have their Agreement canceled and/or be restricted from living or visiting in the residence halls.~~ Strict quiet hours will be in effect twenty-four (24) hours a day beginning one (1) day prior to the start of final exams and will continue through the end of the exam period.
- TS. Pets. No pets of any kind are allowed in the student residence ~~halls~~facilities ~~or University apartments~~, with the exception of fish contained in one aquarium no larger than ten (10) gallons. ~~Residents must make appropriate arrangements for the care of fish during holiday or other break periods. Housing and Residential Life will not assume responsibility for feeding, cleaning, or otherwise maintaining aquariums.~~ This does not exclude accommodations required pursuant to federal and/or state law ~~the Americans with Disabilities Act, as amended.~~
- UT. Maintenance of Premises. Students shall maintain the premises, including their yards, in a neat and orderly condition. No refuse, loose paper, cans, bottles, etc., shall be permitted to accumulate outside or underneath ~~dwelling units~~ assigned living spaces.

- ~~VU~~. Prohibited Items. The following is a non-exhaustive list of items which are prohibited in student residence facilities: water-filled furniture, personal air conditioners, ~~ice boxes~~, unauthorized refrigerators, freezers, pianos, exterior aerials or antennas, heavy electrical appliances such as laundry and dishwashing machines, personal stoves, extension cords, multiple-outlet plug adapters, halogen lamps, candles, incense, firearms, explosives, fireworks, flammable fluids, slingshots, paint ball guns, super-soakers, dangerous chemical mixtures, pellet guns, B.B. guns, ammunition (which includes but is not limited to bullets, paint balls, pellets, and B.B.s) propelled missiles, alcoholic beverages, and illegal drugs or paraphernalia. Additionally, all residents must adhere to all provisions of Policy 770 Fire Safety in On-Campus Student Residential Housing.
- ~~WV~~. Security Doors. At no time may security doors be propped open.
- ~~X~~. ~~Signs. Students shall display no signs, placards, or banners of any type in or about the premises without the prior approval of Housing staff.~~
- ~~YW~~. Smoking. Pursuant to [Policy 750 Tobacco-Free Campus](#), smoking (including vaporizers, hookahs, e-cigs, etc.) is prohibited on the University campus and within student residence facilities. Students wishing to use tobacco products must do so in the privacy of a personal vehicle. Tobacco products can only be stored in a private vehicle.
- ~~ZX~~. Soliciting Sales. Soliciting, canvassing, or the use of student residence facilities as a location for selling is prohibited unless written permission is granted by the Dean of Students. Since solicitors or other salespersons are not allowed access to the premises except with permission from the University, students are requested to notify the front desk of violations of this rule.
- ~~YAA~~. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official institutional publication or on the institutional website, including the intentional failure to perform any required action or the intentional performance of any prohibited action.
- ~~BBZ~~. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- ~~CCAA~~. Violation of the Terms of the Student Housing License Agreement. Violations of the terms of the agreement may result in disciplinary proceedings. By signing the Agreement, a student agrees to support and abide by the policies, rules, and disciplinary procedures governing a living and learning community.
- ~~DDBB~~. Windows and Window, Screens, Students shall not tamper with windows or window screens at any time. Students are not permitted to drop, pour, throw, or hang any object from a window. Nothing may be affixed, attached to, or hung over any part of the

outside of the student residence facility or hung on an outward facing window. Only University-issued blinds and window coverings may be attached to windows.

CC. Roofs, and Ledges. ~~Students shall not shake, clean, or hang any bedclothes, rugs, mops, dust cloths, etc., from windows. Students are not permitted to remove or tamper with the screens at any time.~~ Roofs and ledges of student residence facilities halls and/or apartments are strictly off limits. Gaining unauthorized access to a roof or ledge is prohibited.

XIII. Guidelines and Procedures for Housing Conduct Violations

Students who engage in prohibited conduct as specified in Section XII may be subject to the disciplinary processes of Housing and Residential Life, as well as other University disciplinary processes through the Office of Student Conduct. The following guidelines are provided to assist students in understanding and responding to the Housing and Residential Life judicial process, including its use of incident reports, conduct violation referrals, disciplinary conferences, and applicable forms. The imposition of sanctions for conduct violations resulting from incident reports filed with regard to ~~housing infractions~~ prohibited conduct does not preclude additional hearing and sanctioning processes through the University disciplinary process. Individual circumstances can determine varying levels of response, and sanctions can take into account the specific facts of each situation. By signing the ~~a~~ Agreement, a student agrees to support and abide by the policies, rules and disciplinary procedures governing a living and learning community.

Responsibility for Administration. Unless indicated otherwise, all initial violations of Housing and Residential Life rules will be adjudicated by the Area Coordinators in each of their respective areas. When necessary, cases will be referred to the Associate Director of Residential Education or designee, including cases involving multiple violations of Housing rules. The Associate Director will be responsible for adjudicating all cases referred to ~~them~~ her/him and applying the appropriate sanctions. Alternately or additionally, the Associate Director may elect to refer all cases which involve multiple violations of Policy 540 Student Conduct, when inappropriate behavior persists, or when other circumstances warrant such action, to the Office of Student Conduct for disposition pursuant to the University disciplinary process as provided in Policy 540 Student Conduct.

Conduct Violation Referral. Cases are adjudicated from an incident report submitted to the Area Coordinator by a Housing and Residential Life staff member and/or resident of the ~~hall~~ student residence facility. Cases may also be adjudicated from incident reports provided by the University Police.

Disciplinary Conference. A student alleged to have engaged in prohibited conduct acted in violation of this policy will receive a written notice directing the student to appear for a disciplinary conference. The notice will be provided at least five (5) days prior to the date of the conference. In addition to providing the date, time, and location of the conference, the notice will inform the student of:

- A. The policy/rule violation(s) for which ~~they are~~he/she is being charged.
- B. The opportunity to call witnesses or present other evidence on ~~their~~his/her behalf.
- C. The right to be accompanied by an advisor of ~~their~~his/her choice. The advisor is not allowed to participate in the conference and may only advise the student. The advisor cannot be a student who has been charged with a conduct violation ~~of the Housing and Residential Life Rules~~-related to the same incident.
- D. The right to a copy of the Incident Report, if any, on which the conference is being held.

At the conference, the student will be interviewed by the appropriate Housing and Residential Life official. During this interview, the student will be advised as to what Housing policies/rules have allegedly been violated and will be given an opportunity to explain ~~their~~his/her version of the act or incident, or to otherwise refute the allegations.

The Housing and Residential Life official will review the incident, taking into account the information provided by the student. A determination will be made as to whether policy/rule was violated or not, and the student will be advised as to whether or not sanctions are warranted. The standard of proof required for a finding of violation of the Housing and Residential Life Rules shall be the preponderance of the evidence.

At the conclusion of the disciplinary conference, or at a later point as deemed necessary, the student will be provided a disposition form indicating what violation(s) the student has been found responsible for and the sanction imposed. The decision of the Housing and Residential Life official is final.

Effect of Noncooperation. A student who fails to cooperate, ignores, or otherwise does not respond after receiving notice of the disciplinary conference may be subject to temporary measures such as having the locks changed on ~~their~~his/her assigned living space residence or having ~~their~~his/her student ID card blocked. If the student continues to not respond, the Associate Director of Residential Education or designee will initiate action for possible cancellation of the ~~a~~Agreement and removal of the student from their assigned living space~~Housing and Residential Life~~.

Failure to Comply with Sanctions. It is expected that all sanctions will be completed within the time frame given in writing to the student. Failure to comply with sanctions in a timely manner may result in a meeting with the Associate Director of Residential Education or designee. The Associate Director of Residential Education may give a written extension if such is deemed appropriate, or may initiate the disciplinary process to consider this violation.

XIV. Housing Disciplinary Sanctions

Upon a determination that a student has violated any of the Housing and Residential Life disciplinary offenses set forth in this policy or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination. Following is a non-exclusive list of potential sanctions: ~~for violations of the housing disciplinary policy~~

- A. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property. When restitution is required, the student is obligated to compensate a party or parties for a loss suffered as a result of the violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, or financial loss.
- B. Housing Probation. If a student is engaging in repeated or continuing prohibited conduct, the student may be placed on Housing probation. The student will be informed that during this time period any further violations may be cause for cancellation of the Agreement.
- C. Residential Service. A student may be required to perform specified tasks or service to the student residence ~~hall~~facility community under the supervision of a University official.
- D. Community Impact Statement/Project. A student may be required to complete a written paper, project, or presentation which relates to the offense.
- E. Involuntary Reassignment. A student may be involuntarily moved to another student residence ~~facility~~hall if warranted by their~~his/her~~ behavior.
- F. Cancellation of Agreement. A student's ~~a~~Agreement is canceled, and the student must vacate their~~his/her~~ assigned living space~~place of residence~~ within twenty-four (24) hours of notification or as directed by the appropriate Housing and Residential Life official. No refund of fees for the academic year will be made if the student is required to vacate assigned living space for disciplinary reasons.

XV. Special Regulations Applicable to Womack Lane Apartments

Womack Lane Apartments are available for the use of full-time students with a spouse, and/or a dependent child or dependent children who will reside on campus with the full-time student. A student does not have to attend school during the Summer sessions, provided the student enrolls full-time the following semester. A one (1)-bedroom furnished apartment will be assigned to a family unit of three (3), and a two (2)-bedroom unfurnished apartment will be assigned to a family unit no larger than five (5).

Information Requested by the University. Students shall submit to the University, upon request, signed statements or other required documents setting forth the pertinent facts concerning their household composition and student status. The University may reexamine such information periodically for the purpose of determining the right of continued occupancy.

Supervision of Children. Parents, legal guardians, and babysitters are responsible for providing appropriate care and supervision for children in their care and are responsible for the conduct of such children while the children are on Womack Lane Apartments property and MTSU campus grounds. Children under twelve (12) years of age must be accompanied by a parent, guardian, or other adult while on the Womack Lane Apartments property, including the Womack Lane Apartments playground or in the Womack Lane Apartments Center.

XVI. Miscellaneous Regulations

- A. Transfer or Subletting ~~Units~~Assigned Living Space. Students shall not transfer possession, lease, or sublet the ~~premises~~assigned living space nor give accommodations to roomers, boarders, or lodgers, and any attempted assignment or subleasing shall be void without the written consent of the University.
- B. Rubbish, Garbage, and Waste. Students shall deposit garbage, rubbish, and other waste in a manner prescribed by the University and laws and ordinances covering the use of the premises. At no time are personal garbage bags or cans permitted in hallways, breezeways, lobbies, etc. Examples of other personal items not permitted in student residence facilities~~hall~~ and/or ~~apartment~~ common areas include but are not limited to boxes, furniture, and appliances.
- C. Liability for Loss or Damage.
1. The University does not maintain insurance on any personal property of students, and all personal property of students on the premises shall be at the risk of the student. The University shall not be liable for any damages to, or theft of, personal property of students in student residence facilities.
 2. The University shall not be liable for any damages or injuries to any student or the occupants of student residence facilities, or to guests or invitees of such students resulting from any act or failure to act by the student or any other occupant of the premises, or from any lack of repair of the facility or any accident occurring in or about the facility, except as authorized by and allowed pursuant to T.C.A. §§ 9-8-301, et. seq.
Each student who occupies an assigned living space~~residence unit~~ agrees to indemnify and hold the University harmless from and against any and all claims, damages, or causes of action whatsoever, asserted by any person arising out of or in any way connected with the use of the premises by the student.
- D. Residential Parking. Residence parking areas are reserved for the occupants of student residence facilities~~hall and/or apartment residents~~. All on-campus residents with vehicles are required to purchase an appropriate parking decal from Parking and Transportation Services. Stickers for Womack Lane families are limited to two (2) per

apartment. Unauthorized vehicles and/or abandoned or immobile vehicles will be cited and/or removed at the owner's expense.

E. Refrigerator Guidelines. Small refrigerators are permitted in assigned living spaces~~residence hall rooms~~ provided they are no larger than 3.7 cubic feet and do not exceed 3.0 amps.

F. Storage. Storage of all household or personal property outside of assigned living space~~dwelling units~~ shall be in such manner as prescribed by the University. Students shall not store items in areas including but not limited to attics, breezeways, hallways, lobbies, or underneath ~~dwelling units~~assigned living spaces.

G. Untimely Payment of Fees. Any student resident who fails to make timely payment of all fees due under the terms of the License Agreement will be liable for all expenses of collection, including court costs and attorneys' fees.

XVII. Missing Students

See [Policy 720 Missing Residential Student Notification](#).

XVIII. Exceptions

Exceptions to the policy may only be granted by the University President or designee.

Forms: none.

Revisions: ~~none~~June 5, 2017 (original); _____, 2021.

Last Reviewed: _____ 2021~~November 2020~~.

References: Policies 540 Student Conduct; 685 Disposal of Surplus Property; 720 Missing Residential Student Notification; 750 Tobacco-Free Campus; 770 Fire Safety in On-Campus Student Residential Housing; 910 Information Technology Resources; Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004; T.C.A. §§ 9-8-301 et. seq.; Higher Education Act of 2008.



541 Residential Life and Housing Policy

Approved by Board of Trustees

Effective Date: _____, 2021

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students through University Discipline and Rules Committee

I. Purpose

A student residence facility is a densely populated community composed of students with many different interests, habits, and tastes. Middle Tennessee State University (MTSU or University) is committed to the concept that on-campus student residence facilities should provide an atmosphere conducive to both living and learning where, in a spirit of cooperation and consideration for others, students may live, study, and relax together. This policy provides rules to establish and maintain that atmosphere.

II. Definitions

- A. **Assigned Living Space.** The personal dwelling unit of a student and/or occupant residing within a student residence facility.
- B. **Guest(s).** Any person invited by a student resident, occupant, or the University to visit in a student residence facility.
- C. **License Agreement (Agreement).** The contract document setting forth the terms of occupancy of any student residence facility/unit as between the University and student residents that occupy any such student residence facility/unit.
- D. **Occupant(s).** Legal spouse or child residing with a student resident in an assigned living space. The occupant(s) may also be referred to as resident(s).
- E. **Premises.** Any student residence facility owned or operated by the University to provide housing accommodations for student residents.
- F. **Prepayment Fee.** A payment required by the University to secure assigned living space within a student residence facility prior to taking occupancy of a particular assigned

living space. The prepayment fee is applied toward housing costs except where forfeitures apply.

- G. Semester Fee. The payment required to occupy an assigned living space within a student residence facility for a specified term.
- H. Student(s). For the purposes of this policy, student refers to the individual officially enrolled and residing on premises in an assigned living space who is a signatory to the License Agreement. The student(s) may also be referred to as resident(s).

III. Eligibility

Full-time students officially admitted and enrolled at the University for the Fall or Spring semester shall be eligible to reside in a student residence facility during their period of enrollment. Part-time students are not eligible to reside in student residence facilities unless a waiver is provided by the Director of Housing and Residential Life. Such waivers shall be granted on a case-by-case basis. Students who drop below full-time enrollment during the academic year should not assume they will be released from the obligations of their Agreement. Student residence facilities may be leased/licensed to other persons in connection with programs and activities on campus at the discretion of the University.

All students, with the exception of students who are prohibited by federal or state law from residing in student residence facilities for any reason, shall have an equal opportunity to reside in student residence facilities regardless of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, familial status, age or disability, provided that separate student residential facilities may be established on the basis of sex.

Occupant residents residing in assigned living space must be the legal spouse or child of a student resident.

Summer housing is available to MTSU students enrolled in summer courses and occupants residing with such students, provided students are enrolled in the summer session for which they plan to reside in a student residence facility.

No person who is registered or required to register as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, as amended, T.C.A. §§ 40-39-201, et. seq., shall be eligible to reside in any on-campus student residence facility.

IV. Application Process

Application Process and Fees. Students must make application for permission to reside in a student residence facility by returning a completed application signed by the student and, as

applicable, the student's parent/guardian or student's spouse. A completed application, including the required signatures, indicates acceptance of the terms and conditions contained in the Agreement. The completed application shall be incorporated by reference as an exhibit to the signed Agreement.

At the time of application, the Student must also submit a prepayment fee. Semester fees are due and must be paid during the fee payment period at the beginning of the term. Fees are subject to change each year. See [Housing Rates](#) for Fall/Spring or Spring Only or contact Housing and Residential Life (Housing) at 615-898-2971 or by email at housing@mtsu.edu for additional information and current fee rates.

The prepayment fee is refundable prior to first check-in date according to the schedule included in the Student Housing License Agreement and Section V below. All cancellations must be submitted in writing to Housing and Residential Life, MTSU Box 6, Murfreesboro, TN 37132 or by fax to 615-898-5459 or by email to housing@mtsu.edu.

Mandatory Board Plan for Freshmen. Students classified as freshmen not assigned as a family unit are required to purchase an approved board plan option.

Required Immunizations. All new incoming students who live on campus are required to provide proof of adequate immunization against Meningococcal disease after their 16th birthday and within the last five (5) years. Some exemptions exist for students who provide the appropriate medical or religious exemption form to Student Health Services. New incoming students living in on-campus housing will not have the option of refusing this immunization without providing Student Health Services with appropriately executed medical or religious exemptions. To ensure compliance, students are eligible for housing assignment contingent on proof of adequate immunization against Meningococcal disease. This means a housing application will be accepted but a living space cannot be assigned until vaccination against the Meningococcal disease is confirmed by MTSU Student Health Services. For more information on all required immunizations, see [Health Services website](#).

V. Student Housing License Agreement

The Agreement contains applicable provisions regarding prepayment, cancellations, and refunds. Students are responsible for compliance with each provision and term of the Agreement and this policy. A copy of the Agreement may be found at www.mtsu.edu/housing. Prospective students should request a copy of the agreement from Housing and Residential Life.

The term of an Agreement is for the full academic year (Fall and Spring semesters). The Student who enrolls in the University for the Fall semester and who signs an Agreement agrees to reside in a student residence facility for both the Fall semester and the Spring semester provided they enroll in the University during both semesters. Agreements entered into any time after the first

(1st) day of the Fall semester or Spring semester continue in effect until the close of the academic year.

Students must check out of their student residence facility within twenty-four (24) hours of withdrawing from the University or failing to enroll in classes at the University.

The Agreement or an attachment to it must document/identify spouses, children, dependents, and/or other persons residing with the student in the student residence facility.

Assignment/Subletting. No student shall assign the license to use any assigned living space within a student residence facility or sublet any assigned living space within the student residence facility. Any attempted assignment shall be void without the written consent of the University.

Cancellation of the Agreement; Refunds. The student or University may cancel the Agreement under the circumstances indicated below:

A. Prior to the beginning of the Term.

1. If the student completes the application process and is assigned a living space but does not enroll in classes for Fall and/or Spring term and fails to properly check in prior to the first day of classes for any given term, University may cancel the Agreement. The student will be considered a no-show subject to forfeiture of their prepayment amount. In cases between terms where the student's personal items have been stored as an accommodation during a non-contract period, student will be subject to forfeiture of their prepayment as well as storage fees and associated costs for removal of personal belongings.
2. Prepayment fee refunds. The amount of any refund of the prepayment fee is made based on the cancellation postmark date, the date a confirmed cancellation email was sent, or the date of hand delivery of the written notice of cancellation. The schedule for refunds, including dates and amounts is specified in the Agreement.

B. During the Term of the Agreement. The Agreement may be cancelled consistent with the criteria identified below:

1. If the student officially withdraws from the University and has complied with check-out procedures, University may cancel the Agreement for the remaining portion of the term. If the student enrolls for Spring term, the Agreement will be reinstated and appropriate charges will be assessed to student's account.
2. If the student does not plan to enroll for the Spring term and notifies University in writing, the Agreement will terminate on the day of the student's last Fall term exam or graduation date, if the student is among those scheduled, in advance, to graduate and not scheduled to return to the University in a student status. If the student

enrolls for Spring term, the Agreement will be reinstated and appropriate charges will be assessed to student's account.

3. Prepayment fee refunds; Fall Residents Not Enrolling for the Spring Term. The prepayment fee may be refunded as specified below provided the student has appropriate prepayment on file. The amount of any refund of the prepayment fee is made based on the cancellation postmark date, the date a confirmed cancellation email was sent, or the date of hand delivery of the written notice of cancellation. The schedule for refunds, including dates and amounts of such refund, is specified in the Agreement.

A full prepayment refund is available under the following conditions:

- a. The student is prevented from attending the University because of a medical reason(s) confirmed in writing by a licensed healthcare professional deemed acceptable at the discretion of the University and, due to withdrawal from the University, must cease to occupy assigned living space.
 - b. Residence space is not available.
 - c. The death of the student.
4. Semester fee refunds. No refund will be made other than under the following conditions:
 - a. Refund of semester fees will be made on a prorated weekly calendar basis if the student is forced to withdraw from the University for a medical reason(s) which must be confirmed in writing by a licensed healthcare professional deemed acceptable at the discretion of University and, due to withdrawal from the University, must cease to occupy assigned living space.
 - b. Refund of semester fees will be made on a prorated weekly calendar basis if the student is requested to leave the premises for other than disciplinary reasons.
 - c. No refund of fees for the academic year will be made if student is required to vacate assigned living space for disciplinary reasons.
 - d. A full refund of housing fees will be made in the event of student's death.
 - e. Withdrawals for other reasons will be subject to University's fee adjustment period as outlined in the registration guide.
 5. Students who participate in an off-campus academic experience may be eligible for release from the Agreement provided the experience requires the student's regular

- and/or continued presence at a location significantly distant from the campus so as to constitute an undue hardship on the student, to be determined at the discretion of University. If termination is granted, the Agreement will terminate on the day of the student's last fall term exam or graduation date, if the student is among those scheduled, in advance, to graduate. Students seeking this option must petition for such relief by submitting, prior to November 15, a License Agreement Cancellation Request form outlining the academic experience. The student will be required to provide supportive documentation from the college and/or internship site or assignment.
6. In the event the assigned living space is destroyed or otherwise rendered uninhabitable and University does not provide alternative assigned living space, the Agreement will be cancelled and housing fees will be refunded on a prorated basis.
 7. The University assumes no responsibility for any delay or failure to perform any terms or conditions of the Agreement due to a force majeure, including, but not limited to, fire, earthquake, hurricane, flood, severe storms, acts of God, strikes or labor disputes, riots or civil disturbances, war, national emergency, terrorism, threats of sabotage or terrorism, explosions, plagues, epidemics, pandemics, acts of governmental authorities, or any other occurrence beyond the University's reasonable control. In the event of a force majeure, the University reserves the right to modify housing accommodations and access to dining services.

VI. Housing Assignment

The University reserves the right to make all housing assignments and to make any assignment changes or transfers considered necessary. Assignments are made without regard to race, color, national origin, religion, sex, familial status, or disability, although separate student residence facilities or areas of student residence facilities may be established on the basis of sex.

Housing assignments are made based on the date of application, payment of applicable fees, and submission of required immunization documentation. A specific building, type of room, and specific roommate cannot be guaranteed.

Special living-learning programs may include specific additional criteria for participation/assignment.

In the event any occupant of a multiple occupancy student residence facility ceases to reside in the assigned living space for any reason, the University shall have the right to reassign the remaining occupants to another student residence facility on campus.

Changes to Assigned Living Space. Students may submit requests for changes to their assigned living space to Housing and Residential Life. Students moving out of or into a student residence

facility without having written authorization from Housing and Residential Life will be in violation of the Agreement. All changes are authorized on a space-available basis.

A student and/or a student with dependents residing in student residence facilities on campus must notify Housing and Residential Life in writing of any changes in the family unit (e.g., divorce, marriage, change of custody, adoptions, births) during the period of occupancy. Changes in family unit are subject to review and the student may be required to provide appropriate documentation at the discretion of the Director of Housing and Residential Life or designee. Change in family unit may not qualify as a condition for release from the License Agreement. However, it may qualify the student for assignment change provided alternative assigned living space is available.

VII. Check-In and Check-Out

Students may move into their assigned living space by reporting to check-in locations during the dates and times specified in their Agreements. Unless previous arrangements have been made, any student who fails to check in during the specified dates and times will forfeit their original room assignment. Students who fail to check into their student residence facility and who also fail to enroll in classes by the late registration deadline will forfeit their prepayments as specified in the Student Housing License Agreement section of this policy and in the Agreement. An enrolled student who fails to check into the student residence facility but who has not been granted a release from their Agreement will remain subject to the financial obligation incurred by signing the Agreement.

Each student must check out in person with the area coordinator or designated representative at the end of each semester and turn in all keys to the assigned living space. Their assigned living space must be clean and all personal property must be stored or removed. Housing and Residential Life assumes no responsibility for property left in assigned living spaces after check-out and/or student residence facility closing. Where applicable, additional charges for cleaning the assigned living space or removing abandoned items may be assessed to the student's account.

VIII. Responsibility for and Maintenance of Property

Responsibility for Personal Property. The University does not assume any legal obligation to pay for the loss or damage to personal property of residents occurring in its buildings or on its grounds. Students or their parents are encouraged to carry appropriate insurance to cover such losses.

Aid in Maintenance. Students shall assist and cooperate with the University in the care and maintenance of the premises and shall report promptly to their student residence facility staff any breakage, damage, or need for repair of the student's assigned living space, facilities, or equipment therein. Students shall not adjust or tamper with any mechanical equipment.

Students are responsible for the care and preservation of their assigned living spaces and all University-owned equipment and furnishings. All students will complete a room inventory when they establish occupancy. Damages occurring during their period of occupancy beyond normal wear will be assessed to the individual(s) responsible as will unusual cleaning charges. Furnishings must not be removed from the assigned living space or public areas without the authorization of the area coordinator. Students shall make no alterations, changes, repairs, remodeling, or painting of the assigned living space. Pictures and other materials may be posted on walls within the assigned living space using a non-defacing adhesive. No nails or screws may be driven into any wall. The student(s) responsible will bear the cost of repair or replacement for damaged or misplaced furnishings. Costs for damages or loss occurring in the public areas of a building will be shared equally by all students responsible for that area of the building when the damage or loss cannot be attributed to specific individuals. A minimum damage charge of one dollar (\$1.00) per occurrence will be assessed to each student.

Each student agrees to pay the University, immediately upon demand, for any and all damages to the assigned living space, including but not limited to damages to exterior or interior walls, ceilings, floors, windows, doors, locks, hardware, plumbing fixtures, cabinets, shrubbery, lawn, appliances, fixtures, and furnishings of the assigned living space and its surrounding premises, if such damage is caused by an act or failure to act by the student or guests of the student.

Removal of Personal Property; Abandoned Property. Personal property of any kind that remains in an assigned living space either after a student: (1) withdraws from classes at the University, (2) has their Agreement terminated, (3) is otherwise relocated (from building to building, from room to room, from side to side, or within the designated area assigned), (4) has checked out; or, (5) after the facilities have been closed, will be considered abandoned property. The University shall have the right to remove the student's personal property and store the belongings. The University will then dispose of such items in accordance with [Policy 685 Disposal of Surplus Property](#). Any applicable cleaning, packing, or storage charges will be assessed to the student's account. Housing assumes no responsibility for abandoned property that is lost, stolen, or damaged during packing, storage, or disposal.

IX. Safety and Security

Residents must share responsibility for maintaining a safe and secure residential community. Residents should keep their doors and windows locked any time they are out of the assigned living space, even for short periods of time. Residents who do not keep their doors and windows locked any time they are out of the assigned living space, or who prop open wing or building doors may be subject to disciplinary action. All visitors to student residence facilities must enter/exit only from the main entrance/door of the building, unless special permission has been secured from the area coordinator. Residents leaving the building through locked security doors are responsible for ensuring that the doors close to the locked position.

During holiday periods, doors and windows should be securely locked, and window shades should be opened. Items of value should not be left in the assigned living space over a holiday period. Any theft or losses should be reported to the University Police. Housing and Residential

Life is not responsible for loss, damage, or theft of personal property. Residents and/or their parents are strongly encouraged to carry appropriate insurance to cover the potential theft, loss, or damage of personal property.

Card Access Systems. All students are expected to carry and swipe their own student identification (ID) cards to enter student residence facilities with an installed card access system. Students who experience difficulty using their ID cards to gain entry to a building should contact the front desk of the student residence facility. As a security precaution, students who lose their ID cards should report the loss to the front desk of the student residence facility and the ID Office. Residents are not permitted to share or loan their ID cards with other persons.

Keys. All keys to assigned living spaces are the property of the University, and a student may not have duplicate keys made. Students who misplace their keys and need access to their assigned living spaces should contact the front desk of the student residence facility to be issued a temporary key. As a security precaution, students who lose their keys will have their locks changed and the core replaced and will be charged the appropriate fee. Residents are not permitted to share or loan their keys to other persons.

Fire safety. The sounding of false fire alarms and tampering with firefighting or safety equipment, including extinguishers, hoses, EXIT signs, and the alarm system is prohibited. Residents are responsible for safely evacuating the building immediately upon the sounding of the alarm or as otherwise directed by student residence facility staff.

Fire drills. Each student residence facility will conduct a minimum of two (2) fire exit drills each semester. One (1) will be announced and notice given to all building staff and residents. One (1) will be unannounced without notice to either the building staff or residents.

Disease. Students will report immediately to the University any infectious or contagious disease occurring within the student residence facility.

X. Entry and Inspections

A student's assigned living space may be entered at all reasonable times to examine and inspect the space for maintenance, health, safety, emergency purposes, or to render service and/or repairs to the assigned living space. Students shall permit the duly authorized agent, employee, or representative of the University to enter without notice any part of the assigned living space during reasonable hours for the purpose of inventory, maintenance inspections, improvements, or repair to any part of such assigned living space.

A student's assigned living space may be inspected with the consent of the student or any other occupant of the assigned living space.

All entries and inspections shall be conducted in accordance with federal and state laws.

Health and Safety Inspections; Maintenance Inspections. Health and safety inspections will be conducted in all student residence facilities on a monthly basis by Housing and Residential Life staff to determine compliance with safety, health, and maintenance standards. Notice will be given prior to these inspections. Maintenance inspections occur when a work order has been submitted or when Housing and Residential Life staff becomes aware of an issue. These inspections will be conducted by University personnel during reasonable hours. Residents who fail to comply with the safety, health, and maintenance standards may be subject to disciplinary action.

XI. Visitation

Students and occupants shall be responsible for the compliance of their invited guests with this policy.

- A. Visitation hours will be 10:00 a.m. until midnight Sunday through Thursday, and 10:00 a.m. until 2:00 a.m. on Friday and Saturday. All guests are required to check in at the front desk or other designated area and must be escorted at all times. Guests are not to wander in the student residence facilities nor are they permitted in opposite sex restrooms. If escorted at all times by the host, guests are permitted in any common area of the student residence facility.
- B. Guests will be permitted in assigned living spaces only with the permission of the other occupants of the assigned living space. Interference with another occupant's privacy, use, and enjoyment of the assigned living space will not be allowed.
- C. Visitation hours during summer sessions will be 10:00 a.m. until midnight Sunday through Thursday, and 10:00 a.m. until 2:00 a.m. on Friday and Saturday.
- D. It is the responsibility of all students to be aware of the visitation hours/policy for the student residence facility they are visiting.
- E. A register will be maintained at the front desk of each residence facility that has twenty-four (24) hour staff. Students having guests are responsible for seeing that their guests provide identification and sign the register when entering and leaving the student residence facility as directed by the student residence facility staff.
- F. Each guest must be escorted by the student host from the lobby to the assigned living space they are visiting and from the assigned living space back to the lobby.
- G. Room checks may be made at any time during visitation by student residence facility personnel. Violations of visitation guidelines will be reported to the appropriate area coordinator of the participating student residence facility.

- H. There will be no more than a total of five (5) guests in an assigned living space at any given time except in cases where guests are members of the student's immediate family.
- I. Any student who violates visitation policies or whose guests violate visitation policies may lose subsequent visitation privileges.
- J. Visitation regulations apply to all guests regardless of gender.
- K. Overnight guests of the same sex are permitted, if the following conditions are met:
 1. The guest is registered with the area coordinator prior to staying overnight.
 2. The student host informs the guest of student residence facility regulations and accepts responsibility for the guest's conduct.
 3. Permission for a guest to stay more than two (2) consecutive nights must be obtained from the Director, Housing and Residential Life and/or designee.

XII. Housing Disciplinary Offenses

Students, occupants, and guests are subject to, and shall comply with, the rules and policies of the University, as well as all federal and state laws. Violators are subject to appropriate disciplinary action.

The following is a non-exclusive list of offenses for which students may be subject to disciplinary action through the process set out in Section XIV. Students may be subject to additional disciplinary charges and sanctions through the Office of Student Conduct pursuant to [Policy 540 Student Conduct](#). Violations may also result in cancellation of the student's Agreement.

- A. Alcohol. The use and/or possession of alcoholic beverages is prohibited in all student residence facilities. Empty alcohol containers (including but not limited to bottles, cans, shot glasses, flasks, and kegs) may not be used for display purposes in any student residence facility or assigned living space.
- B. Bicycles and Motorcycles. Parking or storing bicycles, mopeds, or motorcycles is not permitted in hallways, stairways, outside walkways, fire escapes, or lobbies of student residence facilities. Bicycles may be kept inside the student residence facility in bicycle storage rooms or assigned living spaces, providing they do not block entrances or exits. Bicycles may not be kept in public areas (i.e. hallways, lounges, stairwells, etc.).

- C. Business or Commercial Use. Student residence facilities may not be used for any business or commercial purpose. The facilities are to be used for residential purposes only.
- D. Computer and Network Acceptable Use. [Policy 910 Information Technology Resources](#) is intended to prevent abuses of equipment and services, and to ensure that the use of computers and networks honors the public trust and supports the University's mission to educate students, conduct research, and provide public service. Using MTSU and state resources for unauthorized copying and/or distribution of copyright-protected information, music, video, and software is prohibited.
- E. Construction. No construction of any kind is allowed without prior written consent of the University.
- F. Data Service. All student residence facilities have direct data network access via Ethernet jack and wireless. All residents using the MTSU data network must adhere to all provisions of [Policy 910 Information Technology Resources](#).
 - 1. Wireless routers are not permitted.
 - 2. Servers of any type are not allowed in student residence facilities. This includes but is not limited to Web, FTP, telnet, game, peer-to-peer, and file servers. Servers discovered in operation are subject to disconnection.
 - 3. Distributing copyrighted material without permission is not permitted and may result in suspension of network access as well as other sanctions.
 - 4. Internet Protocol (IP) addresses are centrally assigned and may not be changed. To receive this address and other necessary configuration information, the network card must be set to obtain address information automatically via Dynamic Host Configuration Protocol (DHCP). Computers attempting to circumvent this registration and assignment process are subject to disconnection.
- G. Disturbances or Nuisances. No student resident shall permit or create a nuisance or disturb any other residents of the facility. Students shall not conduct or permit activities in their student residence facilities that would, in any manner, create disturbances or cause disruption to other residents.
- H. Drugs. The unlawful use and/or possession of drugs and/or drug paraphernalia is prohibited on the University campus and in all student residence facilities. Housing and Residential Life has a zero-tolerance policy meaning students found in violation of drug or drug-related policies will be removed from the student residence facility and be responsible for paying out the academic year Agreement in full. Any reasonable suspicion of drug use or possession including odor of burnt or raw marijuana, physical

characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption will lead to an investigation and possible violation of this rule.

- I. Electrical Kitchen Appliances. Appliances with open heating elements may not be operated in student residence facilities.
- J. Failure to Comply with Sanctions. Failure to fully comply with disciplinary sanctions imposed subsequent to the process set forth in Section XIV.
- K. Failure to Cooperate with Institutional Officials. Any act of insubordination or failure to cooperate with University officials, including all levels of Housing and Residential Life staff acting in the performance of their duties, is grounds for the immediate termination of the Agreement.
- L. Fire Hazards. Students shall permit no combustible material to be kept in an assigned living space or on the premises and shall take every precaution to prevent fires. Fire escapes shall be kept clear of all items and shall be used in case of emergency only. Students will not store or lock anything on or immediately adjacent (within two [2] feet) to electrical meters or conduits from these meters leading into student residence facilities.
- M. Fire Safety. The sounding of false fire alarms and tampering with firefighting or safety equipment, including extinguishers, hoses, EXIT signs, and the alarm system is prohibited. Residents are responsible for safely evacuating the building immediately upon the sounding of the alarm or as otherwise directed by student residence facility staff. Students failing to appropriately evacuate the building may be subject to disciplinary action.
- N. Firearms, Explosives, Fireworks, and Inflammables. The possession or use of firearms, slingshots, paint ball guns, super-soakers, explosives, fireworks, inflammable fluids, dangerous chemical mixtures, pellet guns, B.B. guns, propelled missiles, tasers, stun guns or ammunition (which includes but is not limited to bullets, paint balls, pellets, and B.B.s) is prohibited.
- O. Heating. Students shall not use any appliances for heating except those provided with prior written consent of the University.
- P. Illegal activities. Illegal activities of any kind within student residence facilities are prohibited.
- Q. Keys. Keys to assigned living spaces are the property of the University, and a student may not have duplicate keys made.
- R. Noise and Quiet Hours. The primary aim of Housing and Residential Life is to maintain an atmosphere conducive to the pursuit of residents' academic goals and to provide an opportunity for uninterrupted study and rest. Courtesy hours are in effect twenty-four (24) hours a day. Unnecessary noise, from whatever the source, must be discontinued upon request. Quiet hours are in effect from 9:00 p.m. until 9:00 a.m. every day. Strict

quiet hours will be in effect twenty-four (24) hours a day beginning one (1) day prior to the start of final exams and will continue through the end of the exam period.

- S. Pets. No pets of any kind are allowed in the student residence facilities, with the exception of fish contained in one aquarium no larger than ten (10) gallons. This does not exclude accommodations required pursuant to federal and/or state law.
- T. Maintenance of Premises. Students shall maintain the premises, including their yards, in a neat and orderly condition. No refuse, loose paper, cans, bottles, etc., shall be permitted to accumulate outside or underneath assigned living spaces.
- U. Prohibited Items. The following is a non-exhaustive list of items which are prohibited in student residence facilities: water-filled furniture, personal air conditioners, unauthorized refrigerators, freezers, pianos, exterior aerials or antennas, heavy electrical appliances such as laundry and dishwashing machines, personal stoves, extension cords, multiple-outlet plug adapters, halogen lamps, candles, incense, firearms, explosives, fireworks, flammable fluids, slingshots, paint ball guns, super-soakers, dangerous chemical mixtures, pellet guns, B.B. guns, ammunition (which includes but is not limited to bullets, paint balls, pellets, and B.B.s) propelled missiles, alcoholic beverages, and illegal drugs or paraphernalia. Additionally, all residents must adhere to all provisions of [Policy 770 Fire Safety in On-Campus Student Residential Housing](#).
- V. Security Doors. At no time may security doors be propped open.
- W. Smoking. Pursuant to [Policy 750 Tobacco-Free Campus](#), smoking (including vaporizers, hookahs, e-cigs, etc.) is prohibited on the University campus and within student residence facilities. Students wishing to use tobacco products must do so in the privacy of a personal vehicle. Tobacco products can only be stored in a private vehicle.
- X. Soliciting Sales. Soliciting, canvassing, or the use of student residence facilities as a location for selling is prohibited unless written permission is granted by the Dean of Students. Since solicitors or other salespersons are not allowed access to the premises except with permission from the University, students are requested to notify the front desk of violations of this rule.
- Y. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official institutional publication or on the institutional website, including the intentional failure to perform any required action or the intentional performance of any prohibited action.
- Z. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

- AA. Violation of the Terms of the Student Housing License Agreement. By signing the Agreement, a student agrees to support and abide by the policies, rules, and disciplinary procedures governing a living and learning community.
- BB. Windows and Window Screens. Students shall not tamper with windows or window screens at any time. Students are not permitted to drop, pour, throw, or hang any object from a window. Nothing may be affixed, attached to, or hung over any part of the outside of the student residence facility or hung on an outward facing window. Only University-issued blinds and window coverings may be attached to windows.
- CC. Roofs and Ledges. Roofs and ledges of student residence facilities are strictly off limits. Gaining unauthorized access to a roof or ledge is prohibited.

XIII. Guidelines and Procedures for Housing Conduct Violations

Students who engage in prohibited conduct as specified in Section XII may be subject to the disciplinary processes of Housing and Residential Life, as well as other University disciplinary processes through the Office of Student Conduct. The following guidelines are provided to assist students in understanding and responding to the Housing and Residential Life judicial process, including its use of incident reports, conduct violation referrals, disciplinary conferences, and applicable forms. The imposition of sanctions for conduct violations resulting from incident reports filed with regard to prohibited conduct does not preclude additional hearing and sanctioning processes through the University disciplinary process. Individual circumstances can determine varying levels of response, and sanctions can take into account the specific facts of each situation. By signing the Agreement, a student agrees to support and abide by the policies, rules and disciplinary procedures governing a living and learning community.

Responsibility for Administration. Unless indicated otherwise, all initial violations of Housing and Residential Life rules will be adjudicated by the Area Coordinators in each of their respective areas. When necessary, cases will be referred to the Associate Director of Residential Education or designee, including cases involving multiple violations of Housing rules. The Associate Director will be responsible for adjudicating all cases referred to them and applying the appropriate sanctions. Alternately or additionally, the Associate Director may elect to refer all cases which involve multiple violations of [Policy 540 Student Conduct](#), when inappropriate behavior persists, or when other circumstances warrant such action, to the Office of Student Conduct for disposition pursuant to the University disciplinary process as provided in [Policy 540 Student Conduct](#).

Conduct Violation Referral. Cases are adjudicated from an incident report submitted to the Area Coordinator by a Housing and Residential Life staff member and/or resident of the student residence facility. Cases may also be adjudicated from incident reports provided by the University Police.

Disciplinary Conference. A student alleged to have engaged in prohibited conduct will receive a written notice directing the student to appear for a disciplinary conference. The notice will be provided at least five (5) days prior to the date of the conference. In addition to providing the date, time, and location of the conference, the notice will inform the student of:

- A. The policy/rule violation(s) for which they are being charged.
- B. The opportunity to call witnesses or present other evidence on their behalf.
- C. The right to be accompanied by an advisor of their choice. The advisor is not allowed to participate in the conference and may only advise the student. The advisor cannot be a student who has been charged with a conduct violation related to the same incident.
- D. The right to a copy of the Incident Report, if any, on which the conference is being held.

At the conference, the student will be interviewed by the appropriate Housing and Residential Life official. During this interview, the student will be advised as to what Housing policies/rules have allegedly been violated and will be given an opportunity to explain their version of the act or incident, or to otherwise refute the allegations.

The Housing and Residential Life official will review the incident, taking into account the information provided by the student. A determination will be made as to whether policy/rule was violated or not, and the student will be advised as to whether or not sanctions are warranted. The standard of proof required for a finding of violation of the Housing and Residential Life Rules shall be the preponderance of the evidence.

At the conclusion of the disciplinary conference, or at a later point as deemed necessary, the student will be provided a disposition form indicating what violation(s) the student has been found responsible for and the sanction imposed. The decision of the Housing and Residential Life official is final.

Effect of Noncooperation. A student who fails to cooperate, ignores, or otherwise does not respond after receiving notice of the disciplinary conference may be subject to temporary measures such as having the locks changed on their assigned living space or having their student ID card blocked. If the student continues to not respond, the Associate Director of Residential Education or designee will initiate action for possible cancellation of the Agreement and removal of the student from their assigned living space.

Failure to Comply with Sanctions. It is expected that all sanctions will be completed within the time frame given in writing to the student. Failure to comply with sanctions in a timely manner may result in a meeting with the Associate Director of Residential Education or designee. The Associate Director of Residential Education may give a written extension if such is deemed appropriate, or may initiate the disciplinary process to consider this violation.

XIV. Housing Disciplinary Sanctions

Upon a determination that a student has violated any of the Housing and Residential Life disciplinary offenses set forth in this policy or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination. Following is a non-exclusive list of potential sanctions:

- A. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property. When restitution is required, the student is obligated to compensate a party or parties for a loss suffered as a result of the violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, or financial loss.
- B. Housing Probation. If a student is engaging in repeated or continuing prohibited conduct, the student may be placed on Housing probation. The student will be informed that during this time period any further violations may be cause for cancellation of the Agreement.
- C. Residential Service. A student may be required to perform specified tasks or service to the student residence facility community under the supervision of a University official.
- D. Community Impact Statement/Project. A student may be required to complete a written paper, project, or presentation which relates to the offense.
- E. Involuntary Reassignment. A student may be involuntarily moved to another student residence facility if warranted by their behavior.
- F. Cancellation of Agreement. A student's Agreement is canceled, and the student must vacate their assigned living space within twenty-four (24) hours of notification or as directed by the appropriate Housing and Residential Life official. No refund of fees for the academic year will be made if the student is required to vacate assigned living space for disciplinary reasons.

XV. Special Regulations Applicable to Womack Lane Apartments

Womack Lane Apartments are available for the use of full-time students with a spouse, and/or a dependent child or dependent children who will reside on campus with the full-time student. A student does not have to attend school during the Summer sessions, provided the student enrolls full-time the following semester. A one (1)-bedroom furnished apartment will be assigned to a family unit of three (3), and a two (2)-bedroom unfurnished apartment will be assigned to a family unit no larger than five (5).

Information Requested by the University. Students shall submit to the University, upon request, signed statements or other required documents setting forth the pertinent facts concerning their household composition and student status. The University may reexamine such information periodically for the purpose of determining the right of continued occupancy.

Supervision of Children. Parents, legal guardians, and babysitters are responsible for providing appropriate care and supervision for children in their care and are responsible for the conduct of such children while the children are on Womack Lane Apartments property and MTSU campus grounds. Children under twelve (12) years of age must be accompanied by a parent, guardian, or other adult while on the Womack Lane Apartments property, including the Womack Lane Apartments playground or in the Womack Lane Apartments Center.

XVI. Miscellaneous Regulations

- A. Transfer or Subletting Assigned Living Space. Students shall not transfer possession, lease, or sublet the assigned living space nor give accommodations to roomers, boarders, or lodgers, and any attempted assignment or subleasing shall be void without the written consent of the University.
- B. Rubbish, Garbage, and Waste. Students shall deposit garbage, rubbish, and other waste in a manner prescribed by the University and laws and ordinances covering the use of the premises. At no time are personal garbage bags or cans permitted in hallways, breezeways, lobbies, etc. Examples of other personal items not permitted in student residence facilities and/or common areas include but are not limited to boxes, furniture, and appliances.
- C. Liability for Loss or Damage.
 - 1. The University does not maintain insurance on any personal property of students, and all personal property of students on the premises shall be at the risk of the student. The University shall not be liable for any damages to, or theft of, personal property of students in student residence facilities.
 - 2. The University shall not be liable for any damages or injuries to any student or the occupants of student residence facilities, or to guests or invitees of such students resulting from any act or failure to act by the student or any other occupant of the premises, or from any lack of repair of the facility or any accident occurring in or about the facility, except as authorized by and allowed pursuant to T.C.A. §§ 9-8-301, et. seq.
Each student who occupies an assigned living space agrees to indemnify and hold the University harmless from and against any and all claims, damages, or causes of action whatsoever, asserted by any person arising out of or in any way connected with the use of the premises by the student.
- D. Residential Parking. Residence parking areas are reserved for the occupants of student residence facilities. All on-campus residents with vehicles are required to purchase an appropriate parking decal from Parking and Transportation Services. Stickers for Womack Lane families are limited to two (2) per apartment. Unauthorized vehicles

and/or abandoned or immobile vehicles will be cited and/or removed at the owner's expense.

- E. Refrigerator Guidelines. Small refrigerators are permitted in assigned living spaces provided they are no larger than 3.7 cubic feet and do not exceed 3.0 amps.
- F. Storage. Storage of all household or personal property outside of assigned living spaces shall be in such manner as prescribed by the University. Students shall not store items in areas including but not limited to attics, breezeways, hallways, lobbies, or underneath assigned living spaces.
- G. Untimely Payment of Fees. Any student resident who fails to make timely payment of all fees due under the terms of the License Agreement will be liable for all expenses of collection, including court costs and attorneys' fees.

XVII. Missing Students

See [Policy 720 Missing Residential Student Notification](#).

XVIII. Exceptions

Exceptions to the policy may only be granted by the University President or designee.

Forms: none.

Revisions: June 5, 2017 (original); _____, 2021.

Last Reviewed: _____ 2021.

References: Policies 540 Student Conduct; 685 Disposal of Surplus Property; 720 Missing Residential Student Notification; 750 Tobacco-Free Campus; 770 Fire Safety in On-Campus Student Residential Housing; 910 Information Technology Resources; Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004; T.C.A. §§ 9-8-301 et. seq.; Higher Education Act of 2008.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting
DATE: September 14, 2021
SUBJECT: **Approval of Expedited Tenure**

BACKGROUND INFORMATION:

The University may find it necessary to expedite tenure review in order to recruit high-quality faculty for administrative positions. Departmental input regarding tenure for an administrator is necessary since tenure is awarded in a specific department. [Policy 204 Tenure]

The following faculty members have been reviewed for tenure by their department chairs, department and college committees, and college deans according to MTSU Policy 204 Tenure and the respective college and department policies. The President and University Provost recommend that tenure be granted effective September 14, 2021.

Name	Department	Rank
Prelis, Chaminda	Aerospace	Associate Professor
Trent, Tiffany	Theatre and Dance	Associate Professor



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Appointment of Chair of Excellence**

BACKGROUND INFORMATION:

MTSU Policy 800, General Personnel, requires the approval of the President and the Board of Trustees for appointments of Chairs of Excellence.

The Jennings and Rebecca Jones Chair of Excellence in Urban and Regional Planning (COE-URP) was established to produce and disseminate information relevant to the planning needs of the mid-state region. Its aim is to encourage dialogue on these important issues among area policymakers, opinion leaders, and the broader community of interest.

While MTSU does not have an academic program in Urban and Regional Planning, the Business and Economic Research Center (BERC), led by Dr. Murat Arik is heavily engaged in work that directly aligns with the objectives of the Jones COE-URP. Over the years, BERC has developed a solid reputation statewide for its economic impact and feasibility studies, ongoing reports on housing and Tennessee's world trade, and other customized research, all of

which are utilized by public and private entities in policymaking and problem-solving.

A proposal to attach the COE-URP to the BEREC Director's position and to appoint Dr. Murat Arik as the chair holder has been recommended by the Dean, Assistant to the President for Institutional Equity and Compliance, Provost, and President.

ON-CAMPUS MEMO

From: David Urban 
Dean

To: Sidney A. McPhee
President

Mark Byrnes
University Provost

Christy Sigler
Interim Assistant to the President for Institutional Equity and Compliance

Date: June 21, 2021

Subject: Jennings and Rebecca Jones Chair of Excellence (COE) in Urban and Regional Planning;
Request to Attach COE to BERC Director Position

Purpose:

The purpose of this memo is to request approval to attach the Jennings and Rebecca Jones Chair of Excellence in Urban and Regional Planning (Jones COE-URP) to the position of Director, Business and Economic Research Center (BERC). When it was established in 1997, the Jones COE-URP was not tied to an existing faculty line. Instead, the Jones COE-URP was set up as a stand-alone entity that amounted to a part-time position. This part-time status for the Jones COE-URP has severely limited its impact; in fact, it has been vacant since 2008. Connecting the Jones COE-URP to the BERC Director's position will increase its impact internally and externally, as explained below.

I understand that according to MTSU Policies 800 and 808, actions regarding Chairs of Excellence need final approval from the MTSU Board of Trustees. My goal is to gain preliminary approvals so that the requested action can go before the appropriate committee(s) of the Board of Trustees in August 2021 and be voted on by the full Board of Trustees in September 2021.

Background:

The Jennings and Rebecca Jones Chair of Excellence in Urban and Regional Planning (Jones COE-URP) was established in 1997. There was an initial chair holder, Earl Swensson, who was a retired architect. He vacated the chair in 2008, and no one has held the chair since then. In December 2019, the Jennings and Rebecca Jones Foundation Board of Trustees inquired about the status of the chair. That inquiry led to a series of discussions I had with VP Joe Bales. He indicated that the Jones COE-URP was a stand-alone entity, with the chairholder not occupying a regular faculty line.

The annual allotment of money we get from the state for recurring expenditures of the chair is not sufficient to pay a reasonable salary to a person of major prominence and support his/her activities.

Mission:

The Jennings and Rebecca Jones Chair of Excellence in Urban and Regional Planning is supposed to produce and disseminate information relevant to the planning needs and issues in the mid-state region. Its aim is to encourage dialogue on these important issues among area policymakers, opinion leaders, and the broader community of interest.

Objectives:

- Promote applied research and service focused on regional and urban planning;
- Provide a forum for the discussion of regional and urban issues and for the development of solutions to promote effective economic development;
- Act as a resource to the regional community in identifying, analyzing, and solving problems;
- Encourage interactions of faculty and students with practitioners in a broad range of industries and institutions influenced and expected to be impacted by growth;
- Support the on-campus development of curriculum materials and faculty more conversant with the issues of the region.

MTSU does not have an academic program in Urban and Regional Planning. Typically, universities that have such programs house them in a school of architecture or public administration. However, MTSU has the Business and Economic Research Center (BERC), led by Dr. Murat Arik, which is heavily engaged in work that aligns with the objectives of the Jones COE-URP. Over the years, the BERC has developed a solid reputation locally and statewide for its economic impact and feasibility studies, ongoing reports on housing and Tennessee's world trade, and other customized research, all of which are utilized by public and private entities in policymaking and problem-solving.

Recommendation:

I propose tying the Jones COE-URP to the BERC Director's position and having the BERC Director, Dr. Arik, be the chair holder. The MTSU Board of Trustees voted to promote Dr. Arik to Associate Professor of Management and award him tenure during the June 2021 Board of Trustees meeting. The annual allotment from the state for recurring expenditures would provide Dr. Arik with a salary supplement and additional operating funds. In FY 2021-22, the annual allotment authorized for the chair is \$97,928.

There is also additional funding for non-recurring expenditures totaling \$412,518 as of December 2020. I have not touched that funding since I have been Dean. I understand that unspent annual allotment dollars get dumped into the fund at the end of the FY. I will work with the chairholder to determine the appropriateness of non-recurring expenditures in line with the objectives and mission of the Jones COE-URP.

On February 9, President McPhee verbally directed me to take action to assign the Jones COE-URP to the BERC and make the BERC Director the chair holder.

Details of the Position after Tying It to the BERC Director's Position:

- The holder of the Jones COE-URP will report to the Dean, Jennings A. Jones College of Business.

- The holder of the Jones COE-URP will receive an initial \$25,000 salary supplement annually for work as the chairholder, paid from the annual allotment the state provides for recurring expenditures. In the 2021-22 fiscal year, aside from the salary supplement and the payment of fringe benefits, the chairholder would have \$64,178 to support activities related to the chair. In future years, the amount of the salary supplement may be adjusted depending on the activities of the chairholder, based on the recommendation of the Dean, Jennings A. Jones College of Business, and the approval of MTSU central administration.
- Any annual raise percentages authorized by the Governor, the state legislature, and the University Board of Trustees will apply only to the portion of the chairholder's salary paid through E&G funds. The raise percentages will not apply to the salary supplement from the state's annual allotment for recurring expenditures.
- The chairholder would be responsible for executing the objectives for the COE and utilizing the allotment for recurring expenditures to that end. Examples of things that might support the goals of the chair would be:
 - Professional travel;
 - Additional GA assistance;
 - Research expenditures: costs associated with survey analysis and reporting; doing focus groups or depth interviews; research databases, etc.;
 - Arrangements connected with special events sponsored by the Jones COE-URP.
- The chairholder will produce an annual report of Jones COE-URP activities posted to the BERC website and shared with members of the Board of Directors of the Jennings and Rebecca Jones Foundation. The chairholder will provide the Dean with an annual accounting of all recurring and non-recurring expenditures of funds connected to the Jones COE-URP.
- The chairholder will receive an annual performance evaluation in line with the annual evaluation process in place within the university.
- The holder of the Jones COE-URP will have an initial term of five years, with a comprehensive review to take place in year five. The purpose of this review will be to assess the activities of the Jones COE-URP and to offer suggestions for broadening its impact. A satisfactory review will result in a five-year extension of the appointment.

Advantages of Taking This Action:

1. For the first time in 13 years, there would be a holder of the Jones COE-URP.
2. The BERC Director's position and activities fit well with the mission and objectives of the Jones COE-URP.
3. There would be more productivity associated with the chair, and there would be accountability for the chair holder's activities.
4. The Jones COE-URP would enhance the BERC Director's prestige and the BERC's visibility.

I hope this action meets with your approval, and I thank you for considering it.

CC: Becky Cole, Associate Provost

APPROVAL SIGNATURE PAGE FOLLOWS

APPROVED:

Christy Sigler

June 21, 2021

Christy Sigler

Date

Interim Assistant to the President for Institutional Equity and Compliance

Mark Byrnes

6/22/2021

Mark Byrnes

Date

University Provost

Sidney A. McPhee

6/22/21

Sidney A. McPhee

Date

President



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Audit and Compliance Committee**

DATE: September 14, 2021

PRESENTER: Pete DeLay
Committee Chair

- Approval of Amendment to Rule
 - a. Rule 0240-07-06 Title IX Compliance

- Approval of Rule Promulgation and Related Policy Revision
 - a. Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act
 - b. Rule 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act

- Approval of Annual Report for Audit and Consulting Services

- Approval of Risk Assessment Reporting



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Amendment to Rule**

BACKGROUND INFORMATION:

The Board approved a new rule, Rule 0240-07-06 Title IX Compliance, at a rulemaking hearing last September. This proposed revision to that rule is a clean-up revision to add the definition of “Consent” to the rule, which was inadvertently omitted from the original rule. The proposed definition is consistent with the longstanding definition of that term in MTSU’s other sexual misconduct policies. This definition is already included in Policy 29 Title IX Compliance and no revision to that policy is required.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Rule Promulgation and
Related Policy Revision**

BACKGROUND INFORMATION:

Revisions to Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act were drafted to reflect different procedures may be applicable to cases covered under the new federal Title IX regulations and the availability of administrative judges appointed by the Administrative Procedures Division of the Office of the Secretary of State.

A parallel new rule, Rule 0240-07-08 Cases Heard Pursuant to the Uniform Administrative Procedures Act, is also presented and will capture the revised version of Policy 110 as a formal rule.



110 Cases Heard Pursuant to the Uniform Administrative Procedures Act

Approved by President

Sidney A. McPhee, President

Effective Date: ~~September 5, 2018~~ _____, 2021

Responsible Division: President

Responsible Office: Office of the University Counsel

Responsible Officer: University Counsel

I. Purpose

This policy describes the circumstances under which Middle Tennessee State University (MTSU or University) ~~will~~may apply the contested case hearing provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-101 *et. seq.* and the procedures for UAPA hearings.

II. Scope

The contested case procedures set forth in the UAPA may be applicable in all cases in which the legal rights, duties, and privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing. These procedures may also apply when MTSU policy provides that a hearing take place pursuant to the provisions of the UAPA.

A. The contested case procedures in the UAPA may apply in the following cases:

- 1A. demotion, suspension without pay, or termination of support staff employees where the employee has elected to pursue a UAPA hearing instead of an employee panel hearing as the final step of the grievance process ([Policy 853 Classified Grievance and Complaint Policy](#) and T.C.A. § 49-8-117);
- 2B. suspension or expulsion of a student who elects and properly requests a UAPA hearing instead of an institutional hearing ([Policy 540 Student Conduct](#));
- 3C. revocation of the registration of a student organization who elects and properly requests a UAPA hearing instead of an institutional hearing ([Policy 540 Student Conduct](#)); and

~~4D.~~ any other case where law requires a contested case hearing and such a hearing is requested.

B. These procedures ~~are will not apply where different procedures are required by applicable law, such as: not applicable to~~

1. ~~Termination~~ of certain faculty for adequate cause as such instances that are subject to the provisions of T.C.A. § 49-8-302 and [Policy 204 Tenure](#).
2. [Matters arising under Title IX of the Education Amendments of 1972 and Policy 29 Title IX Compliance](#).

III. Authority of the President

- A. The President of MTSU is responsible for implementation of these procedures and has final decision-making authority in any proceeding subject to these procedures.
- B. The authority and responsibilities of the President set forth herein may be delegated by him/her to individual designees who are members of the staff of MTSU. All references herein to the President include any designee of the President. The President shall be responsible for any action taken under a delegation of his/her authority.

IV. Selection of [Administrative Judge](#), [Hearing Officer](#), or [Hearing Committee](#)

- A. The President shall determine, in his/her discretion, whether the hearing shall be held before an administrative judge ~~appointed by the Administrative Procedures Division of the Office of the Secretary of State~~, a [hearing officer](#), or a hearing committee.
- B. [As provided by Tenn. Code Ann. § 49-7-167](#), ~~the~~ the following individuals may serve as administrative judges/hearing officers:
 1. A person licensed to practice law who is not employed as an attorney for the ~~institution~~[University](#);
 2. A former state, county, or municipal judge or former federal judge or magistrate;
 3. An employee of the University who has been trained to conduct contested cases, but who does not provide legal representation to University;
 4. An employee of another public institution of higher education who has been trained to conduct contested cases; or,
 5. An administrative judge ~~hearing officer~~ employed by the ~~Office~~[Office](#) of the ~~Secretary~~[Secretary](#) of ~~State~~[State](#) pursuant to T.C.A. § 4-5-301(d) to hear contested cases.

- C. A hearing committee may be appointed by the President from the administrative, professional staff, and/or appropriate employees or students at MTSU. The person appointed by the President as administrative judge/hearing officer shall be deemed to be the chair of the hearing committee for purposes of presiding at the hearing.
- D. For matters involving sexual assault, dating violence, domestic violence, or stalking, the administrative judge/hearing officer/hearing committee members shall complete training that satisfies the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092(f)), and the federal regulations implementing those statutes, as amended. This training must take place no earlier than twelve (12) months prior to hearing the contested case.

V. Hearing Procedures

Unless specifically stated in another policy or applicable law to the contrary, the hearing procedures set forth in T.C.A. §§ 4-5-301, et. seq. and TENN. COMP. R. & REGS. 1360.04.01.01 et seq. shall apply to cases heard pursuant to this policy.

VI. Suspensions Pending a Contested Case Hearing

The President shall have authority to suspend a student or employee pending a contested case hearing. Grounds and procedures for interim suspension of a student are set forth in [Policy 540 Student Conduct](#). Grounds and procedures for suspension of employees are set forth in [Policy 851 Disciplinary Policy for Administrative and Classified Personnel](#).

Forms: none.

Revisions: June 5, 2017 (original); September 5, 2018; 2021.

Last Reviewed: 2021~~September 2018~~.

References: Uniform Administrative Procedures Act; T.C.A. §§ 4-5-101 et seq., 4-5-301; [49-7-106](#); [49-7-167](#); 49-8-117; 49-8-302; TENN. COMP. R. & REGS. 1360.04.01.01 et seq.; Policies [29 Title IX Compliance](#); 204 Tenure; 540 Student Conduct; 851 Disciplinary Policy for Administrative and Classified Personnel; 853 Classified Grievance and Complaint Policy.



110 Cases Heard Pursuant to the Uniform Administrative Procedures Act

Approved by President

Sidney A. McPhee, President

Effective Date: _____, 2021

Responsible Division: President

Responsible Office: Office of the University Counsel

Responsible Officer: University Counsel

I. Purpose

This policy describes the circumstances under which Middle Tennessee State University (MTSU or University) may apply the contested case hearing provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-101 *et. seq.* and the procedures for UAPA hearings.

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A. The contested case procedures in the UAPA may apply in the following cases:

1. demotion, suspension without pay, or termination of support staff employees where the employee has elected to pursue a UAPA hearing instead of an employee panel hearing as the final step of the grievance process ([Policy 853 Classified Grievance and Complaint Policy](#) and T.C.A. § 49-8-117);
2. suspension or expulsion of a student who elects and properly requests a UAPA hearing instead of an institutional hearing ([Policy 540 Student Conduct](#));
3. revocation of the registration of a student organization who elects and properly requests a UAPA hearing instead of an institutional hearing ([Policy 540 Student Conduct](#)); and
4. any other case where law requires a contested case hearing and such a hearing is requested.

- B. These procedures will not apply where different procedures are required by applicable law, such as:
 - 1. Termination of certain faculty for adequate cause as such instances that are subject to the provisions of T.C.A. § 49-8-302 and [Policy 204 Tenure](#).
 - 2. Matters arising under Title IX of the Education Amendments of 1972 and [Policy 29 Title IX Compliance](#).

III. Authority of the President

- A. The President of MTSU is responsible for implementation of these procedures and has final decision-making authority in any proceeding subject to these procedures.
- B. The authority and responsibilities of the President set forth herein may be delegated by him/her to individual designees who are members of the staff of MTSU. All references herein to the President include any designee of the President. The President shall be responsible for any action taken under a delegation of his/her authority.

IV. Selection of Administrative Judge, Hearing Officer, or Hearing Committee

- A. The President shall determine, in his/her discretion, whether the hearing shall be held before an administrative judge appointed by the Administrative Procedures Division of the Office of the Secretary of State, a hearing officer, or a hearing committee.
- B. As provided by T.C.A. § 49-7-167, the following individuals may serve as administrative judges/hearing officers:
 - 1. A person licensed to practice law who is not employed as an attorney for the University;
 - 2. A former state, county, or municipal judge or former federal judge or magistrate;
 - 3. An employee of the University who has been trained to conduct contested cases, but who does not provide legal representation to University;
 - 4. An employee of another public institution of higher education who has been trained to conduct contested cases; or,
 - 5. An administrative judge employed by the Office of the Secretary of State pursuant to T.C.A. § 4-5-301(d) to hear contested cases.
- C. A hearing committee may be appointed by the President from the administrative, professional staff, and/or appropriate employees or students at MTSU. The person

appointed by the President as administrative judge/hearing officer shall be deemed to be the chair of the hearing committee for purposes of presiding at the hearing.

- D. For matters involving sexual assault, dating violence, domestic violence, or stalking, the administrative judge/hearing officer/hearing committee members shall complete training that satisfies the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092(f)), and the federal regulations implementing those statutes, as amended. This training must take place no earlier than twelve (12) months prior to hearing the contested case.

V. Hearing Procedures

Unless specifically stated in another policy or applicable law to the contrary, the hearing procedures set forth in T.C.A. §§ 4-5-301, et. seq. and TENN. COMP. R. & REGS. 1360.04.01.01 et seq. shall apply to cases heard pursuant to this policy.

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Forms: none.

Revisions: June 5, 2017 (original); September 5, 2018; _____2021.

Last Reviewed: ____ 2021.

References: Uniform Administrative Procedures Act; T.C.A. §§ 4-5-101 et seq., 4-5-301; 49-7-106; 49-7-167; 49-8-117; 49-8-302; TENN. COMP. R. & REGS. 1360.04.01.01 et seq.; Policies 29 Title IX Compliance; 204 Tenure; 540 Student Conduct; 851 Disciplinary Policy for Administrative and Classified Personnel; 853 Classified Grievance and Complaint Policy.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Annual Report for Audit and Consulting Services**

BACKGROUND INFORMATION:

TCA 49-14-102 along with the MTSU Board of Trustees Bylaws and Policy on Board Committees requires an annual comprehensive report on the internal audit function be submitted for the Committee's review. The report is submitted for the Committee's review.

MTSU Policy 70, Internal Audit, Section VII.C. requires approval of the audit plan by the Audit and Compliance Committee. The Internal Audit Plan for Fiscal Year 2021 is included on page 6 of the annual report and is presented to the Committee for approval.



Audit and Consulting Services

Annual Report Fiscal Year 2021

Audit and Consulting Services
Middle Tennessee State University
Murfreesboro, TN 37132

Audit and Consulting Services
Middle Tennessee State University
1301 East Main Street
Murfreesboro, TN 37132
Office: 615-898-2914 • Fax: 615-904-8046



August 6, 2021

MTSU Board of Trustees
Audit and Compliance Committee

and

Dr. Sidney A. McPhee, President
Middle Tennessee State University
1301 East Main Street
Murfreesboro, TN 37132

Trustees and Dr. McPhee:

Enclosed is the annual report for Audit and Consulting Services for the 2021 fiscal year. An annual report of audit work is required by TCA 49-14-102 and the Bylaws and Policies of the MTSU Board of Trustees. The Board Committee policy requires a comprehensive report on the internal audit function to the Board through the Audit and Compliance Committee at a stated meeting. The report includes the status of the 2021 annual audit plan noting the audits completed, in progress, and scheduled but not completed.

The report also includes an update on the fraud awareness activities and investigations along with a report of the financial resources of Audit and Consulting Services.

This report fulfills the annual reporting requirements and provides information to the Board of Trustees concerning the 2021 audit efforts of Audit and Consulting Services. The report also includes the annual audit plan for the 2022 fiscal year. This report is intended solely for the internal use of Middle Tennessee State University and the MTSU Board of Trustees. It is not intended to be and should not be used for any other purpose.

Respectfully submitted,

A handwritten signature in black ink that reads "Brenda H. Burkhardt".

Brenda H. Burkhardt, CPA
Chief Audit Executive

**Middle Tennessee State University
Audit and Consulting Services
Annual Report for Fiscal Year 2021**

Introduction:

TCA 49-14-102 and the Bylaws and Policies of the MTSU Board of Trustees require an annual report of audit work. The Board Committee policy requires a comprehensive report on the internal audit function to the Board through the Audit and Compliance Committee (ACC) at a stated meeting.

Audit Effort:

Audit and Consulting Services tracks audit effort by type of project and by university division. The majority of audit effort was in investigations and required audits within the following divisions: Student Affairs, Governance and Academic Affairs. Page two of the report includes details and charts of audit effort. The status of the 2020 audit plan is located on page three.

Fraud Awareness:

When allegations of improper or dishonest acts by an employee, outside contractor or vendor are received, an investigation is required. Three reviews were opened during the year. Three projects were closed with one project referred to the Comptroller's Office, one project concluded with an audit report and one project administratively closed. The four projects in progress will be included on the FY 2022 audit plan. See page four for additional information.

Resources:

The current budget of \$435,764 is adequate to fulfill the current responsibilities. Details of the current budget and actual expenses for the past two years are located on page five.

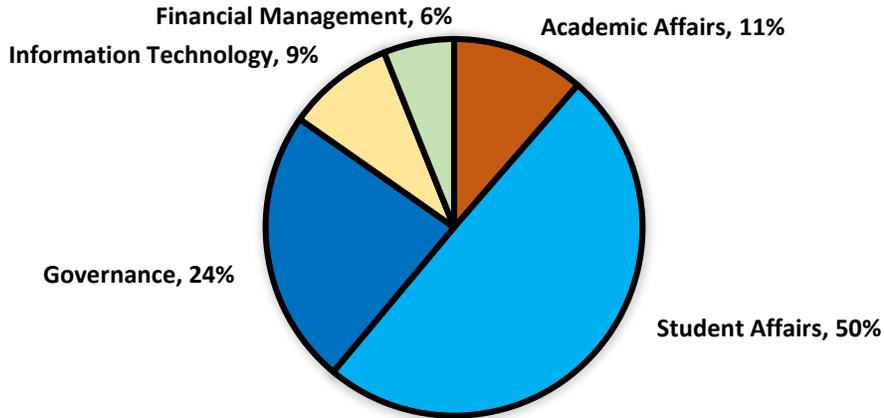
Planned Audit Efforts for 2022:

Along with the audits in progress and required audits, the planned audit effort for 2022 includes a review of the controls mitigating the risk areas of vendor provided services and four departmental/procedural reviews. The audit plan for 2022 is located on page six.

AUDIT EFFORT

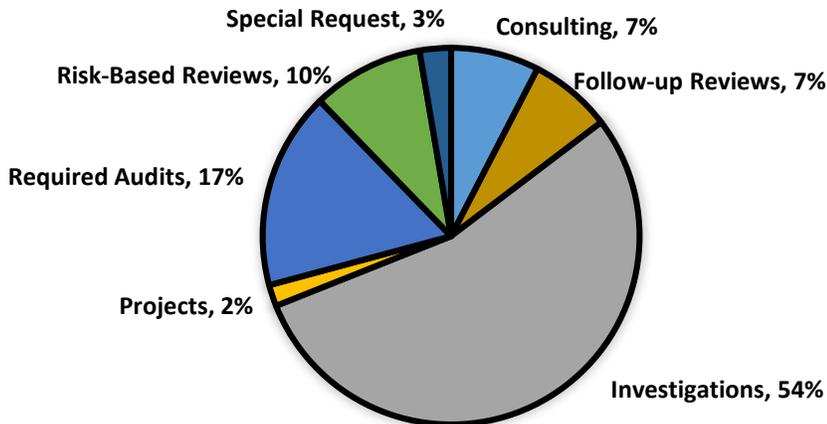
Audit and Consulting Services tracks audit effort by type of project and by university division as shown with the following charts. For the chart Audit Effort by Division, Governance includes the President's Division and general institutional support. The majority of audit effort (85%) focused on projects within Student Affairs, Governance, and Academic Affairs.

AUDIT EFFORT BY DIVISION



The type of audit work performed is defined by the source of the request or purpose of the audit work. Required audits (17%) are the result of a third party request or agreement that an audit or review be performed. This audit effort included the annual audit of the President's Office which is required by state law. The year-end reviews of inventory and cash counts are also included in this audit effort. Investigations represented 54% of the audit effort. Investigations are performed at the request of management or with the receipt of a hotline complaint of possible fraud, waste or abuse. Consulting (7%) represented efforts responding to general audit questions, assisting management with an audit concern and the Conflict of Interest Committee work.

AUDIT EFFORT BY TYPE OF AUDIT



**Middle Tennessee State University
Internal Audit Plan
Fiscal Year Ended June 30, 2021
as of June 30, 2021**

Type	Area	Audit Project	Current Status	Audit Results
R	FM	Year-End Inventory FY2020	Report Issued 8/27/2020	No Reportable Issues
R	GV	Audit of President's Office	Report Issued 11/17/2020	No Reportable Issues
I	SS	INV1702	In Progress	
I	AA	INV1705	Draft Report	
I	AA	INV1801	In Progress	
I	AT	INV1904	In Progress	
I	SS	INV2101	Referred to Comptroller's Office	Report Issued 3/10/21
I	AA	INV2102	Closed 6/30/2021	No Reportable Issues
I	AA	Special Review International Enrollment and Services (INV2103)	Report Issued 4/28/2021	Recommended Improved Training
S	AA	Use of Mobile Production Truck	Report Issued 9/29/2020	Risk Identified/Mitigated
P	GV	IIA - Self Assessment & QAR	In Progress	
F	GV	State Audit Follow-Up to Sunset Review	Report Issued 5/7/2021	Implemented Corrective Action
C	GV	General Consultation/Risk Assessment	Project Throughout Year	n/a
I	GV	Unscheduled Investigations	Project Throughout Year	n/a
R	AT	Football Attendance Fall 2020	NCAA Waived Requirement	Cancelled
R	FM	Cash Counts FY2021	In Progress	
R	FM	Year-End Inventory FY2021	In Progress	
A	IT	Risk/Controls: Vendor Provided Services	Scheduled	
A	IT	Risk/Controls: PII Compliance	In Progress	
A	MC	Marketing & Communications	Scheduled	
A	FM	Payroll	Scheduled	
A	AA	Research Services Procedural Review	Scheduled	
A	FM	Property Management Contract Review	Scheduled	

Audit Types: A - Risk-Based (Assessed) C - Consulting F - Follow-up Review I - Investigation M - Management's Risk Assessment P - Project (Ongoing or Recurring) R - Required S - Special Request	Area = University Division AA - Academic Affairs AD - Advancement AT - Athletics FM - Financial Management GV - Governance/Executive Office IT - Information Technology MC - Marketing and Communications SS - Student Services
--	--

FRAUD AWARENESS

The University is committed to the responsible stewardship of resources and is required by state law to provide a means by which employees, students or others may report suspected or known improper or dishonest acts. Audit and Consulting Services manages the reporting process by which students, employees, taxpayers or other citizens may confidentially report suspected illegal, improper, wasteful or fraudulent activity. (TCA 49-14-103)

The “Fraud Awareness” brochure is a communication tool given to new employees that explains the reporting expectations and options for any individual who suspects improper or dishonest acts involving university employees, outside contractors or vendors. The “Fraud Awareness” information is also located on the Audit and Consulting Services webpage and includes an on-line reporting form.

When Audit and Consulting Services receives allegations of improper or dishonest acts by an employee, outside contractor or vendor, it is required to conduct an investigation. The purpose of the investigation or review is to determine if the allegation or concern is substantiated or unsubstantiated and if there are any internal control weaknesses or risks that management should address. If the allegation or concern is substantiated and corrective action is needed, an audit report is issued. A review is administratively closed with a memo to the file if the concern is unsubstantiated or referred to management or there are no recommendations for corrective action.

Below is a summary of the reviews pertaining to concerns of possible improper or dishonest acts.

Reviews brought forward from prior year	4
New reviews opened during year	3
Projects in Progress During the Year	<u>7</u>
Less Project Referred to State Audit	(1)
Less Report Issued	(1)
Less Administratively Closed	<u>(1)</u>
Reviews in Progress at June 30, 2021	<u><u>4</u></u>

In 2021, three new reviews of possible improper or dishonest acts were opened which matches the three year average of three reviews per year. New reviews for the past three years were: 1 in 2020, 5 in 2019 and 2 in 2018.

One project was referred to the Comptroller of the Treasury and the investigative report concerning the use of student activity fees received by the Somali Students Association and Muslim Students Association was issued on March 10, 2021. Management is taking corrective action to address the internal control and compliance deficiencies noted in the report.

The report issued in April 2021 was for the Special Review of International Enrollment and Services which was performed at the request of management. The scope focused on the enrollment of seven students into an unapproved certificate program and the information provided on the I-20 for the students. A series of decisions by a community of employees contributed to reporting errors on the I-20s. Management is implementing corrective action and providing additional training to the employees involved in the processing of immigration documentation.

One project was closed because the complaint was not substantiated as fraud, waste or abuse and there were no recommendations to improve the control environment. The projects in progress will be included on the 2022 annual audit plan.

RESOURCES

As defined in the MTSU Audit and Compliance Committee Charter, the Audit and Compliance Committee is responsible for ensuring Audit and Consulting Services has adequate resources in terms of staff and budget to effectively perform its responsibilities. The following is the estimated budget for 2021-2022 compared to the actual expenses of the prior two fiscal years.

	Estimated Budget (1) 2021-2022	Actual Expenses 2020-2021	Actual Expenses 2019-2020
Salaries:			
Chief Audit Executive	\$ 105,643	\$ 106,699	\$ 105,643
Assistant Director	67,168	67,831	66,342
Internal Auditors, 2 Professionals	90,184	46,991	46,215
Support Staff	28,402	29,008	28,040
Longevity for Staff	8,500	8,500	8,300
Benefits	123,484	121,937	120,306
Total Salaries and Benefits	<u>\$ 423,381</u>	<u>\$ 380,966</u>	<u>\$ 374,846</u>
Travel	5,000	-	700
Operating Expenses	7,383	3,142	3,521
Total Budget/Expenses	<u>\$ 435,764</u>	<u>\$ 384,108</u>	<u>\$ 379,067</u>

(1) The Estimated Budget for FY 2021-2022 will be finalized in October 2021.

The 2021-2022 budget for Audit and Consulting Services is adequate to fulfill the current responsibilities.

**Middle Tennessee State University
Internal Audit Plan
Fiscal Year Ended June 30, 2022
as of August 6, 2021**

Type	Area	Audit Project	Current Status	Audit Results
R	FM	Year-End Inventory FY2021	Completed 8/6/2021	No Reportable Issues
R	FM	Cash Counts FY2021	Completed 8/5/2021	No Reportable Issues
R	GV	Audit of President's Office	In Progress	
I	SS	INV1702	In Progress	
I	AA	INV1705	In Progress	
I	AA	INV1801	In Progress	
I	AT	INV1904	In Progress	
I	SS	INV2201	In Progress	
P	GV	IIA - Self Assessment & QAR	In Progress	
F	GV	State Audit Assistance/Follow-Up	Project Throughout Year	
C	GV	General Consultation/Risk Assessment	Project Throughout Year	
I	GV	Unscheduled Investigations	Scheduled	
R	FM	Cash Counts FY2022	Scheduled	
R	FM	Year-End Inventory FY2022	Scheduled	
A	IT	Risk/Controls: PII Compliance	In Progress	
A	IT	Risk/Controls: Vendor Provided Services	Scheduled	
A	MC	Marketing & Communications	Scheduled	
A	FM	Payroll	Scheduled	
A	AA	Research Services Procedural Review	Scheduled	
A	FM	Property Management Contract Review	Scheduled	

Audit Types:

A - Risk-Based (Assessed)
C - Consulting
F - Follow-up Review
I - Investigation
M - Management's Risk Assessment
P - Project (Ongoing or Recurring)
R - Required
S - Special Request

Area = University Division

AA - Academic Affairs
AD - Advancement
AT - Athletics
FM - Financial Management
GV - Governance/Executive Office
IT - Information Technology
MC - Marketing and Communications
SS - Student Affairs



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Risk Assessment Reporting**

BACKGROUND INFORMATION:

Section 9-18-104 of the Financial Integrity Act requires institutions of higher education to prepare and provide a management assessment of risk to the State of Tennessee's Commissioner of Finance and Administration and to the Comptroller of the Treasury by December 31 annually.

For 2021, the Division of Academic Affairs and the Division of Business and Finance performed, and provided, risk assessment reporting. In addition, a risk assessment report was completed detailing university-wide risk and control activities.

Similar to MTSU's risk assessment reporting of 2020, the risk assessment documents are designated as confidential and are discussed in the non-public executive session of the Committee. The risk assessment reports are presented to the Committee for approval prior to the reports' submission to the State, as required by law.



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Executive and Governance Committee**

DATE: September 14, 2021

PRESENTER: Steve Smith
Committee Chair

- Approval of Proposed Board Policy Revision: Requests to Address Board of Trustees
- Approval of Proposed Board Bylaws Revision
- Review and Approval of 2021 Self-Evaluation Instrument
- Approval of Authorization to Conduct Board Self-Evaluation Prior to November 2021 Board of Trustees Meeting and Adoption of Recurring Schedule



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Proposed Board Policy Revision:
Requests to Address Board of Trustees**

BACKGROUND INFORMATION:

The Board of Trustees adopted the Requests to Address Board of Trustees policy at the June 8, 2021, meeting. As part of the meeting discussion, the Board decided to revise the timeframe for submission of a request to appear and any proposed written materials from seven (7) days to fourteen (14) days in advance of the meeting. This change will allow sufficient time after receipt of the request to have the item included on the meeting agenda prior to publication.

Middle Tennessee State University

Board of Trustees Policy

Requests to Address Board of Trustees

Section 1. During each regularly held meeting of the Middle Tennessee State University Board of Trustees (Board), the Board will provide an opportunity for members of the public to address the Board. (See Board Bylaws 8.d.4). This policy sets forth the procedure for requesting and conducting such presentations.

Section 2. Procedure for Requests

Requests to address the Board must be submitted to the Secretary of the Board and be received at least ~~seven (7)~~ fourteen (14) days prior to the scheduled meeting of the Board. The request must include the requestor's contact information and the issue to be addressed. Any written materials that the requestor wishes to provide to the Board or utilize during their presentation must be submitted with their request to address the Board.

The request will be discussed between the Chair and the President and, at least three (3) business days in advance of the meeting, the Secretary will either notify the requester that the request has been approved or provide written reasons for the denial of the request.

Section 3. Permissible Subjects

Individuals may speak about items on the Board meeting agenda or other issues germane to the responsibility of the Board. Meeting agendas are posted on the Board website prior to each meeting.

This policy shall not apply to any matter for which state law mandates specific public comment requirements, such as T.C.A. § 49-7-1603 (relating to comments on increases of tuition and fees) and T.C.A. § 4-5-201 *et seq.* (relating to public hearings on University rules). In addition, the Board will not hear speakers on the following topics: grievances or appeals specific to individual students or employees; pending or threatened litigation involving the University or University officials; the employment status of any specific individual; statements concerning the private activities, lifestyles, or beliefs of any individuals; proposals or bids for contracts.

Section 4. Time Allocation

- 4.1** A cumulative maximum of thirty (30) minutes will be allocated during each regular Board meeting for individuals to address the Board.
- 4.2** Each speaker will be permitted to speak for a maximum of five (5) minutes. Time will be allocated to speakers in the order in which their requests are received.
- 4.3** Exceptions to these time periods will only be allowed at the discretion of the Board Chair.
- 4.4** Speakers may not combine their five (5) minute allotment with another speaker and may not give any part of their time to another person.

Section 5. Other Terms and Conditions

- 5.1** Only one (1) speaker will be permitted to speak at a time.
- 5.2** The Board Chair will designate the order in which speakers will address the Board.
- 5.3** Speakers will not be permitted to use audio/visual equipment during their remarks.

- 5.4** After consultation with the President and the Chair, and at least forty-eight (48) hours in advance of the Board meeting, the Board Secretary will distribute any written materials provided by the speaker to the Trustees.
- 5.5** Presentations to the Board are limited to informational matters only. The Board will not take any action during a public comment session. The speaker is not permitted to make a motion or request Board action during their presentation. The Chair, at his/her discretion, may refer a matter raised during a presentation session to the President for appropriate response, or may refer the matter for consideration at a subsequent Board or Committee meeting. The Chair may also request or permit comment by members of the University administration.

Effective Date: _____, 2021.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Proposed Board Bylaws Revision**

BACKGROUND INFORMATION:

Board of Trustees Bylaws, Article 10 states that the Bylaws may be modified by amendment at any regular meeting by two-thirds (2/3) vote of the Board members. The following amendments are presented:

1. Article 6 Officers of the Board is amended to reflect position title change from Director of Audit and Consulting Services to Chief Audit Executive.
2. Article 8 Meetings of the Board is amended to align the timing for requests to address the Board of Trustees with the publication of the Board meeting agenda. This will allow sufficient time after receipt of a request to have the item included in the meeting agenda prior to publication by requiring requests to be submitted fourteen (14) days, instead of the current seven (7), in advance of the meeting, along with any proposed written materials.

Bylaws of the Middle Tennessee State University Board of Trustees

ARTICLE 1 - Authority of the Board

- 1.1** Middle Tennessee State University is a public university established by the laws of the State of Tennessee. The University is subject to the management and governance of a Board of Trustees (Board) as established by T.C.A. § 49-8-101.
- 1.2** The Board is vested with the power and authority to govern the University and to exercise all powers and authority as set forth in the laws of the State of Tennessee.

ARTICLE 2 - Powers and Duties of the Board

- 2.1** The Board has the power and authority to:
 1. Approve the mission of the University, ensuring that the mission is kept current and aligned with the goals and mission of public higher education in Tennessee.
 2. Select, employ and annually assess the performance of the chief executive officer of the University (President) and confirm the appointment of administrative personnel, faculty, and other employees of the University and their salaries and terms of office.
 3. Approve curricula, approve and prescribe requirements for diplomas and degrees, and award academic diplomas and degrees.
 4. Approve the operating budget and set fiscal policies.
 5. Establish policies and rules regarding the campus life of the University, including, but not limited to, the conduct of students, student housing, parking, and safety.
 6. Award tenure and promotion to eligible members of the faculty upon the positive recommendation of the President.
 7. Define and set in-state and out-of-state residency requirements within the parameters outlined in statute.
 8. Set tuition rates for resident and non-resident undergraduate and graduate students within the parameters set by statute.
 9. Receive donations of money, securities, and property from any source on behalf of the University, which gifts shall be used in accordance with the conditions set by the donor.
 10. Purchase land subject to the terms and conditions of state regulations, condemn land, erect buildings, and equip them for the University subject to the requirements of the state building commission and the terms and conditions of legislative appropriations. The Board shall be vested with title to property so purchased or acquired.
 11. Name buildings, grounds, and other identifiable physical features of the University, or revoke such names.
 12. Assume general responsibility for the operation of the University, delegating to the President and providing for the further delegation, of any and all powers and duties as are necessary and appropriate for the efficient administration of the University and its programs, subject to limitations expressly set forth in law.
 13. The Board shall have the right to retain independent consultants.
 14. Perform and exercise all other powers not otherwise prohibited by law as are necessary to govern the University.

ARTICLE 3 - Responsibilities of the Board

- 3.1** The Board shall be responsible for the governance of the University, as allowed by and subject to, limitations imposed by applicable federal and state law, and certain powers and duties maintained by the Tennessee Higher Education Commission.
- 3.2** In exercising its powers, the Board and its individual members will:
1. Provide insight and guidance to the University's strategic direction, charging the President with leading the strategic planning process.
 2. Ensure the University's fiscal integrity; oversee the University's financial resources and other assets; review and approve annual University budgets; and preserve and protect the University's assets for posterity.
 3. Ensure and protect, in a manner consistent with principles of shared governance, the educational quality of the University and its academic programs; and preserve and protect the University's autonomy, academic freedom, and the public purposes of higher education.
 4. Refrain from directing or interfering with any employee, officer, or agent under the direct or indirect supervision of the President of the University.
 5. Act as a body with no individual Board member speaking for the Board unless specifically authorized to do so by the Board.
 6. Actively participate and engage in all Board meetings and events, absent good cause.
 7. Conduct the Board's business in an exemplary manner, adhering to the highest ethical standards, complying with applicable open meeting and public records laws; ensure the currency of Board governance policies and practices; and, periodically assess the performance of the Board, its committees and its members.
- 3.3** Board members must comply with these Bylaws and the Code of Ethics policy, to include disclosure of actual or potential conflicts of interest.

ARTICLE 4 - Membership

- 4.1** The membership of the Board shall consist of ten (10) members of which nine (9) members shall be voting members and one (1) member shall be a nonvoting member.
- 4.2** Of the (9) voting members, at least six (6) members shall be residents of the State of Tennessee.
- 4.3** Eight (8) of the voting members will be appointed by the Governor of the State of Tennessee with at least three (3) being alumni of the University.
- 4.4** A University faculty member shall serve as one (1) voting Board member to be selected by the University Faculty Senate.
- 4.5** The nonvoting member shall be a student representative to be appointed by the Board.
- 4.6** The initial terms of the Board members appointed by the Governor shall be three (3), four (4), and six (6) years. Three (3) members shall serve a three-year term; three (3) members shall serve a four-year term; and two (2) members shall serve a six-year term. As the initial terms of the initial Board members expire, successors shall be appointed for six-year terms. The University faculty member to be appointed by the Faculty Senate shall serve a two (2) year term and the nonvoting student member shall serve a one (1) year term.
- 4.7** Whenever a vacancy shall occur in the membership of the Board among those appointed by the Governor due to death, resignation or removal, it shall be the duty of the Secretary of the Board to inform the Governor of the existence of such vacancy, and the Governor shall appoint a person to fill the unexpired term. Whenever any vacancy occurs among those selected by the Board or elected by the Faculty Senate due to death, resignation or removal, it shall be the duty of the Secretary of the Board to inform the respective party of the vacancy so that the unexpired

term may be filled as provided in the Bylaws. If a vacancy occurs by reason of expiration of term, the Board member whose term is expiring shall serve until a successor is appointed.

- 4.8 Any person who has served two full terms in succession as a member of the Board shall, for a period of four (4) years, be ineligible for election or appointment to the Board.
- 4.9 The following individuals are prohibited from serving as a member of the Board for so long as they hold the office or position: employees of any public institution of higher education, except those faculty members elected to the Board; elected or appointed officials; state employees; or, members of a governing body for any institution of higher education.
- 4.10 A Board member may be removed for a material violation of the Board's Code of Ethics by the Governor or by a two-thirds (2/3) vote of the Board membership.

ARTICLE 5 - Officers of the Board

- 5.1 The officers of the Board shall be a Chair and a Vice Chair, and such other officers as the Board deems appropriate.
- 5.2 The officers shall be elected from among the voting membership of the Board by a majority of those present and voting. Each officer shall serve a two (2) year term until successors are elected or a vacancy occurs. The officers may be elected to consecutive terms without limitation.
- 5.3 The Chair shall perform such duties as may be prescribed by the Board but which shall include presiding at all Board meetings. The Chair may vote on all questions and shall serve as the spokesperson for the Board on matters voted on and approved by the Board. The Chair shall serve as an ex officio member of all standing committees of the Board, entitled to vote.
- 5.4 The Vice Chair shall perform such duties as may be prescribed by the Board. In the absence of the Chair, the Vice Chair shall perform the duties of the office of the Chair, including presiding at Board meetings.
- 5.5 An officer may be removed at any time by a two-thirds (2/3) vote of the Board members eligible to vote.
- 5.6 If a vacancy occurs by death or resignation, the vacancy shall be filled for the remainder of the term. If a vacancy occurs by reason of expiration of term, the board member whose term is expiring shall serve until a successor is appointed.

ARTICLE 6 - Officers of the University

- 6.1 The officers of the University designated to support Board activities are the President, the Secretary of the Board, the ~~Director of Audit and Consulting Services~~ Chief Audit Executive, and such other officers as the Board or the President may determine are necessary. The officers of the University shall have such powers and duties as set out in these Bylaws, and as may be more specifically prescribed by the Board and the President.
- 6.2 The President is the chief executive officer of the University and is appointed by, and serves at the pleasure of, the Board. Subject to any statutory powers retained by the Board or specifically delegated by the Board to other University officers, the President shall be delegated full authority and the responsibility to supervise, direct and manage the affairs and operations of the University. The President may delegate such authority to his/her staff as he/she deems appropriate. The President reports directly to the Board and shall have direct access to the Board. The President shall be the official liaison between the University community and the Board. The President shall attend all Board and committee meetings and shall, from time to time, report to the Board all matters within the President's knowledge affecting the University that should be brought to the attention of the Board. The President shall perform such other

duties as assigned by the Board.

- 6.3** The Secretary of the Board (Secretary) administratively supports the Board and its committees. The Secretary shall be appointed by the President, subject to Board approval. Working directly with the Chair and the President, and in consultation with other senior executives of the University, the Secretary plans and executes the meetings of the Board and its committees, ensuring that these activities comply with all pertinent legal requirements and conforms to sound governance practices. The Secretary advises on the University's governing documents and other policies and procedures pertaining to the governance of the University. The Secretary attends all meetings of the Board and its committees, and is responsible for preparing the official notice and overseeing the preparation of minutes of those meetings. The Secretary serves as the custodian of the minutes and other official records of the Board. The Secretary shall have custody of the corporate seal and affix it to such documents as may require such official recognition. The Secretary is authorized to certify that actions have been taken by the Board and to certify the authority and identity of officers of the Board. The Secretary serves as a point of contact on Board-related policy and procedural matters, governance and communications pertaining to the Board. The Secretary shall perform such other duties as assigned by the Board.
- 6.4** The ~~Director of Audit and Consulting Services~~ Chief Audit Executive (CAE) shall be appointed by the President, subject to Board approval. The ~~Director~~(CAE) reports administratively to the President of the University and functionally to the Board through the Audit and Compliance Committee. The ~~Director~~(CAE) shall have direct and unrestricted access to the chair of the Audit and Compliance Committee. The ~~Director~~(CAE) shall be removable only for cause by a majority vote of the Board. The ~~Director~~(CAE) shall make a comprehensive report on the internal audit function to the Board through the Audit and Compliance Committee at a stated meeting. The report will include the annual audit plan and a review of all previous year audits completed and in progress, including any follow-up reviews and any audits that were scheduled but not completed.

ARTICLE 7 - Committees of the Board

7.1 Subject to statutory requirements, the Board may establish such committees as it deems appropriate or necessary to fulfill its responsibilities, and shall define their memberships and duties.

ARTICLE 8 - Meetings of the Board

8.1 Open Meetings

1. All Board meetings for which a quorum is required to make a decision or to deliberate toward a decision shall be open to the public except as authorized by a statutory or judicially recognized exception to the Tennessee Open Meetings Act, T.C.A. § 8-44-101, et seq.

8.2 Regular Meetings; Notice

1. The Board shall meet at least four (4) times each fiscal year on such dates and at such times and locations as specified by the Chair, and on such additional dates and at such times as specified by the Chair or a majority of the Board members then in office. The Board may adjourn any regular meeting to any date that it may set for adjournment.
2. The Secretary shall provide at least five (5) days' written notice of the meeting to all Board members. Notice may be provided by any reasonable means and shall be compliant with the Tennessee Open Meetings Act, T.C.A. § 8-44-101, et. seq.

8.3 Special Meetings; Notice

1. Special meetings of the Board may be called at any time by the Chair, Vice Chair, or President. Two (2) or more Board members eligible to vote may submit a written request to call a special meeting to the Secretary who will convey the request to the Chair and the President.
2. The call for every special meeting shall state the business to be considered and the business transacted shall be confined to the matters stated in the call. The Board may adjourn any special meeting to any date that it may set for adjournment.
3. If the business to be considered requires immediate action, a special emergency meeting may be called with less than five (5) days' notice. Notice shall be by any reasonable means, taking into consideration the need for the emergency circumstances.

8.4 Agenda

1. An agenda for every meeting of the Board shall be prepared by the Secretary in consultation with the Chair and the President. The agenda shall list each matter to be considered at the meeting. When feasible, a copy of the agenda and copies of all reports and other material to be presented shall accompany the notice of the meeting, but when not feasible, a copy shall be provided to the Board members before the meeting date.
2. Notwithstanding any provision in these Bylaws to the contrary, after consulting with the appropriate committee chair, the President and the Secretary, the Chair may designate agenda items for deliberation and action at the full Board meeting without prior review and recommendation of a committee.
3. Consent Agenda
 - a. The Chair, in consultation with the President or committee chair, as appropriate, may designate items to be presented to the Board on a consent calendar.
 - b. Any item unanimously approved by a committee may be designated by the Chair for unanimous consent at the full Board meeting.
 - c. Such items shall be separately identified on the Board agenda as a consent agenda and shall be voted on by a single motion.
 - d. In consultation with the Chair and the President, any member may request to remove an item from the consent agenda by notifying the Secretary in writing prior to the meeting. The request must be approved by a majority of those present and voting.
4. Anyone wishing to address the Board must submit a written request to the Secretary to be received at least ~~seven (7)~~ fourteen (14) days prior to the scheduled meeting of the Board. The request must include the requestor's contact information and the issue to be addressed. Any written materials that the requestor wishes to provide to the Board or utilize during their presentation must be submitted with their written request to address the Board. After discussion between the Chair and the President, the Secretary will either place the requested item on the agenda or notify the requestor in writing of the reason for rejecting the request.
5. Matters not appearing on the agenda of a stated meeting may be considered only upon an affirmative vote of a majority of those present and voting.

8.5 Quorum

1. The Board must have a quorum to conduct business. A quorum shall consist of a majority of voting Board members which constitutes five (5) voting members. If a quorum is not present, the Board members in attendance may adjourn any regular or

special meeting until a quorum is established.

2. If the meeting agenda does not include items for action or on which a vote may be taken, the meeting may continue even without a sufficient quorum for voting.

8.6 Conduct of Business

1. General parliamentary rules shall be observed in conducting the business of the Board except as may be modified by policies or resolutions adopted by the Board.
2. The Chair shall preside when present at meetings of the Board. In the Chair's absence, the Vice-Chair shall preside at meetings of the Board and otherwise perform the duties of the Chair. In the absence of the Chair and Vice Chair, the most senior member of the Board shall preside at the meeting.
3. The Board may permit any or all Board members to participate in a meeting by, or conduct the meeting through, use of any means of telephonic or electronic communication.
 - a. The meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.
 - b. All participating Board members must be able to both hear all Board members and speak to all other Board members during the meeting.
 - c. Any Board member participating by telephone or electronically shall identify the persons present in the location from which that Board member is participating.
 - d. Any Board member who participates in a meeting covered by this provision shall be deemed "present" at the meeting.
 - e. A public roll call vote is required on all matters.
4. The action of a majority of the quorum of Board members eligible to vote and present at any meeting shall be the action of the Board, except as may be otherwise provided by these Bylaws.
5. Except as limited by conflicts of interest or ethical considerations, individual Board members each have:
 - a. The right to vote (with the exception of the non-voting student Board member);
 - b. The right to participate fully in all considerations before the Board;
 - c. The right to enter motions and to submit recommendations; and,
 - d. All rights and privileges afforded the Board by law and regulation when sitting in deliberative session.
6. All votes of the Board shall be by public vote as defined by T.C.A. § 8-44-104(b), by public ballot, or by public roll call.
7. A roll call vote shall be required on all motions providing for any revision of the Bylaws, the adoption of a new Bylaw or the repeal of an existing Bylaw. On any other motion, a roll call vote shall be taken if required by law or deemed desirable in the judgment of the Chair. A Board member present may request a roll call vote before the announcement of a vote otherwise taken.
8. No Board member may vote by proxy.

8.7 Minutes

1. The Secretary shall ensure that minutes are taken at each meeting of the Board which, once approved, shall provide a permanent record of such meetings.
2. Minutes need not be a verbatim record of a meeting but should provide adequate basis upon which implementing actions may be taken or permanent policies be extracted therefrom.

ARTICLE 9 - Compensation

9.1 Members shall receive no compensation for their services, but shall be entitled to reimbursement for travel expenses incurred in the performance of their official duties in conformity with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

ARTICLE 10 - Bylaws

- 10.1** The Bylaws may be modified by amendment, by adoption of a new bylaw or by repeal of an existing bylaw at any regular meeting of the Board, or at a special meeting called for that purpose, by a two-thirds (2/3) vote of the Board members eligible to vote, provided that a copy of the amendment or new bylaw to be offered, or notation of the bylaw to be repealed shall be furnished to each Board member in writing at least ten (10) days in advance of the meeting.
- 10.2** Any determination that any provision of these Bylaws is inapplicable, invalid, illegal or otherwise ineffective shall not affect or invalidate any other provision of these Bylaws.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Review and Approval of 2021 Self-Evaluation Instrument**

BACKGROUND INFORMATION:

The Middle Tennessee State University accreditation body, Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), requires a governing board to define and regularly evaluate its responsibilities and expectations. Standard 4.2.g. As evidence of compliance with that standard, SACSCOC recommends a regular board self-evaluation. The Executive and Governance Committee is responsible for overseeing the performance of the Board of Trustees and, as such, is charged with preparation of the Board's self-evaluation procedures and instrument.



**Middle Tennessee State University
Board of Trustees**

Executive and Governance Committee

Action Item

DATE: August 24, 2021

SUBJECT: **Review and Approval of
2021 Self-Evaluation Instrument**

PRESENTER: James Floyd, Board Secretary

BACKGROUND INFORMATION:

The Middle Tennessee State University accreditation body, Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), requires a governing board to define and regularly evaluate its responsibilities and expectations. Standard 4.2.g. As evidence of compliance with that standard, SACSCOC recommends a regular board self-evaluation. The Executive and Governance Committee is responsible for overseeing the performance of the Board of Trustees and, as such, is charged with preparation of the Board's self-evaluation procedures and instrument.

Middle Tennessee State University Board of Trustees Self-Assessment

Part I.

Please indicate your response to the following questions by marking the appropriate box. Space is provided at the end of the survey for comments.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Prior to their first Board meeting, Board members received adequate information to understand MTSU's mission and structure.					
Board members understand their roles and responsibilities as members of a governing board.					
The Board understands its role in setting policy and by its actions demonstrates that it appropriately defers to the administration the responsibility to administer and implement policy.					
The Board Bylaws and Board policies make clear the duties of the Board.					
Board members understand and adhere to a code of ethics and avoid any perception of potential conflicts of interest.					
Board committees have clear and appropriate responsibilities.					
The committee structure is working well.					
Meeting agendas and materials are sent in sufficient time prior to meetings.					
Board members adequately study issues, agendas and materials prior to Board meetings					
The Board conducts its meeting in compliance with Tennessee Open Meetings Act.					
Board meetings are conducted in an orderly, efficient manner.					

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Board members engage in open communication and productive engagement during meetings.					
Decisions are made on the basis of study of all available background data and consideration of the recommendations of the administration.					
The Board demonstrates a concern for the success of all students.					
The Board is knowledgeable about the educational programs and services offered at MTSU.					
The Board understands the fiscal condition of the institution and the budget process.					
The Board is appropriately involved in, and understands, the budget process.					
The Board actively supports the institution's foundation and fundraising efforts.					
The Board helps promote the image of MTSU in the community.					
The Board understands the importance of regional and program accreditation					
The Board has open and effective communications with the president.					
The Board and the president have a positive, cooperative relationship.					



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Authorization to Conduct Board Self-Evaluation
Prior to November 2021 Board of Trustees Meeting
and Adoption of Recurring Schedule**

BACKGROUND INFORMATION:

The Executive and Governance Committee is charged with implementation of the regular cycle of Board self-evaluation. The Committee will direct the Board Secretary to administer the self-evaluation survey over a specified period, compile responses received, and report results to the Board Chair.

At its May 2021 meeting, the Executive and Governance Committee revised the Board's Policy on Board Committees for compliance with SACSCOC Standard 4.2.g Board Self-evaluation. The Committee is required to adopt a regular schedule for evaluations of the Board's responsibilities and expectations on at a least a biennial basis. This action will establish a documented cycle of evaluation and continuous improvement for the Board of Trustees.



Middle Tennessee State University

Board of Trustees

Executive and Governance Committee

Action Item

DATE: August 24, 2021

SUBJECT: **Authorization to Conduct Board Self-Evaluation
Prior to Nov. 2021 Board of Trustees Meeting
and Adoption of Recurring Schedule**

PRESENTER: James Floyd, Board Secretary

BACKGROUND INFORMATION:

The Executive and Governance Committee is charged with implementation of the regular cycle of Board self-evaluation. The Committee will direct the Board Secretary to administer the self-evaluation survey over a specified period, compile responses received, and report results to the Board Chair.

At its May 2021 meeting, the Executive and Governance Committee revised the Board's Policy on Board Committees for compliance with SACSCOC Standard 4.2.g Board Self-evaluation. The Committee is required to adopt a regular schedule for evaluations of the Board's responsibilities and expectations on at a least a biennial basis. This action will establish a documented cycle of evaluation and continuous improvement for the Board of Trustees.

Proposed Schedule

- August 24, 2021, Executive and Governance Committee meeting and biennially thereafter
 - Include previous self-evaluation instrument and summary results in committee materials
 - Discuss self-evaluation results
 - Assess results of actions taken for improvement in response to the previous self-evaluation
 - Review and revise self-evaluation instrument as needed
 - Authorize evaluation administration prior to November meeting
- September 14, 2021, Board of Trustees meeting and biennially thereafter
 - Executive and Governance Committee report on forthcoming administration of the Board self-evaluation instrument
- November 9, 2021, Executive and Governance Committee meeting and biennially thereafter
 - Self-evaluation instrument and summary results included in committee materials
 - Chair presentation of self-evaluation results to committee
 - Adopt action steps for improvement based on those results



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Finance and Personnel Committee**

DATE: September 14, 2021

PRESENTER: Joey Jacobs
Committee Chair

- Approval of Permanent Appointment of Assistant to the President for Institutional Equity and Compliance
- Approval of Capital Outlay Project Submittal
- Approval of Stadium Debt Service Fee Revision
- Approval of Corporate Partnership Rate
- Approval of Compensation



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Permanent Appointment of Assistant to the
President for Institutional Equity and
Title IX Coordinator**

BACKGROUND INFORMATION:

Policy 808 – Compensation Reporting and Approvals – requires the appointment and salary recommendation of Vice Presidents or other executives reporting directly to the President be approved by the Board of Trustees.

The attached recommendation to permanently appoint Ms. Christy Sigler as Assistant to the President for Institutional Equity and Compliance/Title IX and Title VI Coordinator, as well as the salary request included, falls under this approval requirement and is therefore being presented to the Finance and Personnel Committee.

Office of the President

Middle Tennessee State University
204 Cope Administration Building
Murfreesboro, Tennessee 37132
615-898-2622
FAX: 615-898-2507



To: Mr. Steve Smith, Chairman, Middle Tennessee State University Board of Trustees
Mr. Joey Jacobs, Committee Chairman of the Finance and Personnel Committee

From: Sidney A. McPhee 
President

Subject: Appointment of Assistant to the President for Institutional Equity and Compliance /Title IX and Title VI Coordinator

Date: August 24, 2021

I wish to recommend to the Board the appointment of Ms. Christy Sigler as Assistant to the President for Institutional Equity and Compliance /Title IX and Title VI Coordinator.

Ms. Sigler is currently the Interim Assistant to the President for Institutional Equity and Compliance/Interim Title IX Coordinator and Title IX Investigator. Ms. Sigler has done an exceptional job in her role as interim. With her many years of experience in this area as well as her breadth of knowledge, she will certainly be an asset to our university.

It is for these reasons that I recommend the appointment of Ms. Christy Sigler as Assistant to the President for Institutional Equity and Compliance/Title IX and Title VI Coordinator with an annual salary of \$110,000 beginning September 15, 2021.

If you have any questions or concerns, please let me know.

c: Mr. Alan Thomas, Vice President for Business and Finance
Ms. Kathy Musselman, Assistant Vice President for Human Resources

CHRISTY C. SIGLER, J.D.

PROFILE **Analysis · Writing · Project Management · Training · Organization Skills**

PROFESSIONAL EMPLOYMENT

Middle Tennessee State University – Interim Assistant to the President for Institutional Equity & Compliance, Interim Title IX Coordinator, Title IX Investigator, Jan. '21 - Present

Lead the institution's equity and compliance duties by providing timely input and direction in administrative decisions and individual situations. Employ knowledge of equal opportunity and access laws to promote a positive environment throughout the campus community. Aid the President with implementing measures in support of the University's mission regarding recruitment, employment, retention, and development of faculty, staff, and students. Supervise staff. Maintain and document compliance with federal and state requirements. Continue to perform all tasks as Title IX Investigator.

Middle Tennessee State University – Title IX Investigator, Deputy Title IX Coordinator, Jul. '17 – Present

Investigate allegations of Title IX and school policy violations using in-depth knowledge of issues and dynamics related to sexual assault, domestic/dating violence, stalking, sexual harassment, and discrimination; occasional investigation regarding other protected categories. Conduct interviews of parties and witnesses; gather documentary evidence; analyze information obtained and prepare investigative reports with findings of fact and recommendations for disposition of complaints with corrective actions; maintain appropriate comprehensive records of investigations. Advise individuals seeking formal and informal complaint resolution about their rights and responsibilities; provide referrals to other institutional and community resources. Testify in court and university hearings. Develop and provide training to various stakeholders. Demonstrate ability to interact effectively with persons of diverse racial, ethnic, socioeconomic, international, ability, and LGBT+ populations, including knowledge and understanding of multicultural approaches to prevention and supporting survivors. Assist the Title IX Coordinator with ensuring compliance with applicable Title IX policies, procedures, and practices. Identify trends; collaborate to develop and integrate mitigation efforts. Represent MTSU on community Sexual Assault Response Team.

Christy C. Sigler, Attorney at Law – Solo Practitioner, Apr. '09 - Jul. '17

Represented children, parents, and grandparents in cases involving abuse, neglect, custody, termination of parental rights, adoption, delinquency, child support, and other legal issues. Managed cases, interviewed clients and witnesses, performed research, prepared pleadings, and conducted trials. Analyzed police records, medical documents, and other legal records. Trained and mentor colleagues. Served as Special Judge as needed.

William E. Miller & Associates – Associate Attorney, Oct. '06 - Apr. '09

Consulted with clients, conducted research, and litigated in court for varied clients statewide. Supervised projects, designed workflow processes, and trained subordinates. Managed financial and contact data for debt collection accounts. Prepared educational materials and delivered presentations for clients and trade groups, including publication in a trade magazine.

HONORS & CERTIFICATIONS

- Certified Affirmative Action Professional by American Association for Access, Equity, & Diversity.
- ATIXA Certifications: Civil Rights Investigator Level 2; Title IX Coordinator Level 2; Title IX Athletics.
- Certified in Mental Health First Aid – May 2019.
- Trainer for SafeZone (LGBT+ awareness program) – Apr. 2018.
- National SPARK Hero – Simons Foundation Partnering for Autism Research and Knowledge – Jan. 2017.
- Trainer for Building Strong Brains: Tennessee’s ACEs Initiative – Sep. 2016.
- Certified as National Association of Counsel for Children’s Juvenile Law – Child Welfare Specialist through the Tennessee Commission on Continuing Legal Education and Specialization – 2013.
- Appointed to Tennessee Commission on Children and Youth – 2011-2020. Chaired both Budget & Data Committee and Audit Committee. Served one year as Vice Chair of Commission.

EDUCATION

University of Memphis Cecil C. Humphreys School of Law – Juris Doctor, May 2006.

- Honors: Dean’s Distinguished Service Award – 2006.
Bankruptcy Externship with Chief Judge David S. Kennedy – 2005.
Association of Women Attorneys Scholarship Recipient – 2004, 2005.
- Activities: Tennessee Journal of Practice and Procedure – Staff Writer.
Association of Women Attorneys – President, 2005-06, Treasurer, 2004-05.
Phi Alpha Delta Law Fraternity – Clerk, 2005-06.
Law School Ambassador and Orientation Leader – 2004-2006.

University of Mississippi – Bachelor of Accountancy, May 2003.

- Honors: The National Dean’s List – 2002, 2003.
Activities: Tau Alpha Chi Tax Honor Society – Member.
Phi Theta Kappa Honor Society – Member

MILITARY EXPERIENCE

United States Army – Signals Intelligence Analyst, Feb. ‘96 – Feb. ‘01

Analyzed and presented technical military intelligence data in a high level multi-national setting. Delivered presentations to audiences of 10 to 300. Trained and supervised subordinates in designing and establishing classified communications networks. Wrote technical standard operating procedures for intelligence communications system. Completed Primary Leadership Development Course. Certified as Master Fitness Trainer. Attained proficiency in Russian at Defense Language Institute.

MILITARY HONORS

- Awarded 2 Army Commendation Medals, 3 Army Achievement Medals, and Good Conduct Medal.
- 104th Military Intelligence Battalion Soldier of the Quarter, 2nd Quarter 1999.
- Honor Graduate of Signals Intelligence Analyst Course at Ft. Huachuca, AZ, Feb. 1998.
- Honor Graduate of Russian Language Basic Course at the Defense Language Institute Foreign Language Center, Presidio of Monterey, CA, May 1997.

PRESENTATIONS

- *Thoughts on Children's Advocacy*; Tennessee Commission on Children & Youth statewide conference, Nashville, TN, Mar. 2019. <https://youtu.be/kYY9S8rivvg>
- *Legal Issues of Inclusion*; Tennessee Physical Therapy Assoc. statewide conference, Chattanooga, TN, Nov. 2018
- *Title IX and ROTC*; Middle Tennessee State University, Murfreesboro, TN, Feb. 2018.
- *What is Autism?*; Kiwanis Club, Murfreesboro, TN, Jan. 2018.
- *Ten Lessons on Becoming an Advocate*; Upper Cumberland Council on Children & Youth, Cookeville, TN, Apr. 2017.
- *Building Strong Brains TN/Reducing Adverse Childhood Experiences (developed by TCCY) – League of Women Voters*, Murfreesboro, TN, Jan. 2017. <http://on.dnj.com/2jvN1Ev>
- *Autism in the Juvenile Justice Setting*; Tennessee Administrative Office of Courts, Murfreesboro, TN, Oct. 2016.
- *Understanding Autism* with Lauren Weaver (Vanderbilt TRIAD) and Ryan McKee (Hand Over Hand Behavior Therapy); Tennessee Department of Children's Services, Jul. 2016.
- *Communicating with Children in the Court System*; The Legal Professionals, Murfreesboro, TN, Mar. 2015.
- Panelist on *Issues in Special Education*; MTSU College of Education, Murfreesboro, TN, Oct. 2014.

ADDITIONAL INFORMATION

- Member of MTSU Holocaust Studies Program Committee, 2019 – Present.
- Moderator of panel at MTSU LGBT+ Conference, 2019.
- Member of Murfreesboro Kiwanis Club, 2018 – Present.
- Volunteer Mentor with TN Achieves, 2014 – 2016.
- Volunteer at Nashville Oasis Center, 2010 – 2012.
- Proficient in MS Word, MS Excel, MS Access, MS Powerpoint.
- Granted Department of Defense Top Secret security clearance with access to Sensitive Compartmented Information based on single scope background investigation, Aug. 1996.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Capital Outlay Request**

BACKGROUND INFORMATION:

As part of the annual Capital Budget request process, institutions of higher education must submit their capital outlay project requests for state funding to the Tennessee Higher Education Commission (THEC). THEC ranks these project requests and issues project selection recommendations to the Governor of Tennessee. For FY 2022-2023 THEC has required that request be made for renovation projects only.

The proposed MTSU capital outlay request for FY 2022-2023 is the Renovations to Kirksey Old Main (KOM) and Rutledge Hall project. This \$51,900,000 project seeks to carry out extensive renovations to these buildings including replacement of major building systems, exterior repairs, window replacement, and replanning to ensure these buildings will provide modern space for academic instruction for many years to come.

The demolition of the Midgett building, along with removal of corridors and glass curtain walls added to KOM in the 1960's will be carried out to restore KOM to its original architectural character.

Academic usage includes Math, Computer Science, and the emerging Data Science departments at KOM and University College occupying the renovation of Rutledge Hall, which is currently used for student housing.

The following materials provide a summary of the work and are being presented for your review and approval.

Renovations to Kirksey Old Main and Rutledge Hall

Proposed FY 2022/2023 Capital Outlay Project

Gross Square Footage: **105,523 gross square feet** (KOM:82,200 GSF, Rutledge: 21,323 GSF)

Estimated Construction Cost: \$43,400,000

Estimated Total Project Cost: \$51,900,000

University Match funding (4%): \$ 2,076,000 (no minimum gift requirement for renovations)

This project provides extensive renovations to the Kirksey Old Main (KOM) and Rutledge Hall buildings, both of which were original buildings on campus built in 1911. Renovation scope includes major work with HVAC, electrical, plumbing and data/IT systems needed to serve current and future academic needs. Major accessibility issues will be addressed in both buildings with a new elevator added to KOM to serve all floors and the addition of an elevator to Rutledge Hall, which currently has no elevator. Exterior improvements to both buildings will include window replacement with modern windows that will provide superior thermal performance that will also match the architectural character of both buildings. Site utility work, including steam and chilled water utility infrastructure will be required as part of this project.

Demolition of the Midgett building, along with the removal of the addition of corridors and glass curtain walls to KOM in 1964, is included in the project and will restore much of the original architectural and aesthetic character of KOM.

The MTSU 2016 Campus Master Plan prioritizes the renovation of Rutledge Hall as a “highest priority” project and both the KOM renovation and Midgett demolition as “high priority projects.”

After renovation is completed, Kirksey Old Main will be utilized for the Math, Computer Science, and the Data Science academic departments. Rutledge Hall will be taken off-line as residence hall and will be renovated to be the new home of the University College department.



Legend:

- 1. Kirksey Old Main**
- 2. Midgett Building**
- 3. Rutledge Hall**
- 4. James Union Building
- 5. Peck Hall
- 6. Todd Hall
- 7. Jones Hall
- 8. Saunders Fine Arts
- 9. Floyd Stadium
- 10. Voorhies Building

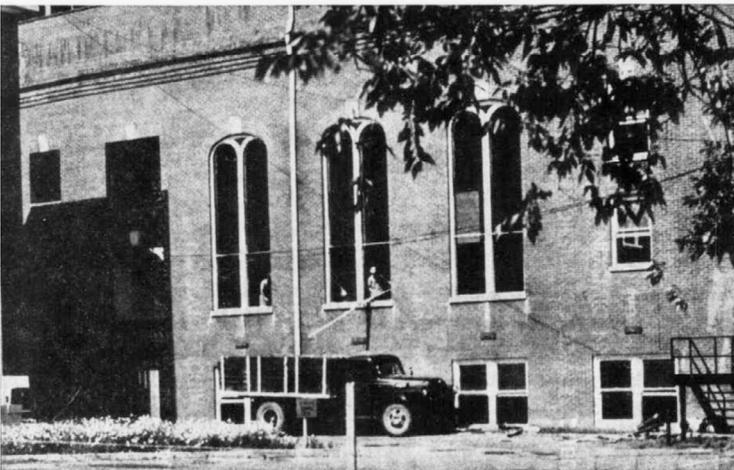
Site Vicinity Map



Panoramic Photo (circa 1920) - Rutledge Hall (left) and Kirksey Old Main



CAMPUS LANDMARK CONVERTED TO CLASS—OFFICE USE



As the new drama building nears completion the old auditorium is being converted into classrooms and offices. The new administration building is now having the brick veneer facing completed. Installation of seats in the enlarged stadium also started this week. Two new dormitories for women will be ready for occupancy when the fall semester opens, September 14. Almost a quarter million dollars is represented in these projects.

(Above) Rendering of Kirksey Old Main, Rutledge Hall, and the original library. (Left) Article from *The Sidelines* newspaper with KOM work underway in 1964 to add corridors and glass curtain wall to the exterior of the building and to convert auditorium to classroom and office use.

3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Renovations to KOM and Rutledge Halls
City/County: Murfreesboro / Rutherford

2 **Fiscal Year:** 2022 / 2023

3		New		Reno/Maint
<input checked="" type="checkbox"/>	Capital Outlay			
<input type="checkbox"/>	Capital Maintenance	4,500	Gross Sq.Ft.	105,523
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	900.00	Cost/Sq.Ft.	295.00

4 **Project Description:**

Renovate the Kirksey Old Main and Rutledge Hall buildings. Renovations to both structures will include, but not limited to, replacement of HVAC, plumbing, data/IT, and electrical systems, re-planning of building layouts to accommodate future use, accessibility improvements, window replacment, roofing and other exterior building improvements. Demolition of the Midgett Building will be included in the scope of work.

5	Total Project	This Request	Estimated Building Construction Cost:	35,179,285
	35,500,000	35,500,000	Building Construction	
	3,750,000	3,750,000	Site & Utilities	
	0	0	Built-in Equipment	
	39,250,000	39,250,000	Bid Target	
	4,150,000	4,150,000	Contingency:	10.57 10.57 percent
	43,400,000	43,400,000	MACC (Maximum Allowable Construction Cost)	
	2,926,787	2,926,787	Fee:	35/LogP-1.15= 6.74374863 Renovation
	4,000,000	4,000,000	Movable Equipment	
	450,000	450,000	first other	Commissioning
	185,000	185,000	second other	Pre-Construction
	938,213	938,213	Administration & Miscellaneous	
	51,900,000	51,900,000	Total Cost	

6 Funding Request:	THIS REQUEST
49,824,000	49,824,000
0	0
2,076,000	2,076,000
	STATE funds
	FEDERAL funds
	Local and Institutional Funds
	Plant Funds (Non-Aux)

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
0	0	
plus This Request	0	
51,900,000	0	

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

9 **Designer:** NA

5.1 External Funding

Department: Tennessee Higher Education Commission

Institution: Middle Tennessee State University

Project: Renovations to KOM and Rutledge Halls

	2,076,000	Total Match Funding (No Match Funding required for TCATs)
	0	Additional External Funding for New Programmed Area
	Amount	Non-Appropriated Category
		Specifics of Source
0%	\$ -	Plant Funds (Auxiliary)
100%	\$ 2,076,000	Plant Funds (Non-auxiliary)
0%	\$ -	Land Sale Proceeds
0%	\$ -	Access Fees
0%		Student Fees
0%		Gifts
0%	\$ -	Local Government
0%	\$ -	Federal Funds
0%	\$ -	5-Year Bond Funds
0%	\$ -	Other: Specify

0%		Additional External Funding for New Programmed Area (Source)
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Community Colleges and Specialized Units	Total Project Cost			
	Total Match	2,076,000	(No Gift Minimum)	Required Total Match
	Renovation	100%	-	-
	Match Requirement	Minor New Construction	0%	-
	2%	Renovation		-
	4%	New (Gift minimum is 0%)	Eligible Check - Pass/Fail	Pass
			Over/Under Required Match	2,076,000

APSU TSU UTM	Total Project Cost			
	Total Match	2,076,000	Gift Minimum	Required Total Match
	Renovation	100%	-	-
	Match Requirement	Minor New Construction	0%	-
	4%	Renovation	Pass	-
	6%	New (Gift minimum is 33% of 6%)	Eligible Check - Pass/Fail	Pass
			Over/Under Required Match	2,076,000

ETSU MTSU TTU UTC	Total Project Cost	51,900,000		
	Total Match	2,076,000	Gift Minimum	Required Total Match
	Renovation	100%	-	2,076,000
	Match Requirement	Minor New Construction	0%	-
	4%	Renovation	Pass	2,076,000
	8%	New (Gift minimum is 33% of 8%)	Eligible Check - Pass/Fail	Pass
			Over/Under Required Match	-

UoM	Total Project Cost			
	Total Match	2,076,000	Gift Minimum	Required Total Match
	Renovation	100%	-	-
	Match Requirement	Minor New Construction	0%	-
	4%	Renovation	Pass	-
	10%	New (Gift minimum is 33% of 10%)	Eligible Check - Pass/Fail	Pass
			Over/Under Required Match	2,076,000

UT Knoxville	Total Project Cost			
	Total Match	2,076,000	Gift Minimum	Required Total Match
	Renovation	100%	-	-
	Match Requirement	Minor New Construction	0%	-
	6%	Renovation	Pass	-
	17%	New (Gift minimum is 50% of 17%)	Eligible Check - Pass/Fail	Pass
			Over/Under Required Match	2,076,000



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Stadium Debt Service Fee Revision**

BACKGROUND INFORMATION:

In 1991, the University requested an increase in the debt service fee from the Tennessee Board of Regents (TBR) for the expansion of Floyd Stadium. The total cost of this project was \$27.1 million, and 30-year bonds were issued in 1998 by the Tennessee State School Bond Authority (TSSBA) to fund \$23 million of the project. Annual revenue received from the debt service fee, currently set at \$45 per credit hour, is approximately \$1.7 million. The bonds are set to mature in FY 2027-28.

The MTSU Board of Trustees approved an athletic capital fee of \$10 starting in 2017-18 with two subsequent increases in the fee. The revenue generated from this fee is dedicated to funding athletic capital projects. The fee is currently set at \$40 per credit hour and generates approximately \$1.45 million annually.

The Student Athlete Performance Center project, considered Phase 1 of the athletic master plan, is currently disclosed at \$66 million, with \$61 million to

be funded by the issuance of bonds. The estimated annual debt payment is \$3.2 million over a 30-year term. The payment can be funded with annual revenue generated from the athletic capital fee plus cumulative unspent revenue generated from the fee through FY 2027-28. However, beginning in FY 2028-29, the accumulated revenue generated to date will have been spent.

The University recommends extending the \$45 per credit hour debt service fee beyond FY 2027-28 as a revenue source for the debt payment on the Student Athlete Performance Center project or future phases of the athletic master plan. Factors affecting the length of this extension and any adjustments to the fee will include the amount of donor support for the athletic master plan, revenue generated from other sources such as private partnerships, and the schedule for other phases of the athletic master plan. Other sources of revenue generated for the project will be used toward the annual debt payment first. If these additional sources of revenue are not realized, the revenues generated from student fees would need to be dedicated to paying off these bonds for the next 30 years and would not be available to fund additional phases of the athletic master plan.

The above information is being provided for your review and approval.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Corporate Rate Modification Request**

BACKGROUND INFORMATION:

The Board of Trustees approved an adjustment in the Corporate Partnership Rate for undergraduate students to equal the undergraduate in-state tuition rate at the June 2019 quarterly meeting. A request to adjust the graduate rate was made the following year. The intent of the rate decreases was to attract more opportunities for corporate partnership agreements, especially with companies having employees outside of Tennessee. Under these agreements, corporate employees are allowed to enroll in degree completion programs at a rate equal to the approved undergraduate and graduate in-state tuition rates, which are currently set at \$306 and \$522, respectively, per credit hour. In exchange, the corporate partners promote MTSU as the preferred higher education provider for their employees. However, in our efforts to establish these partnerships, we find that many of the corporations want to send employees that are Tennessee residents, so there is no real incentive for program participation since their employees would already receive the in-state tuition rates.

To continue MTSU's corporate sponsorship growth, the University feels it is necessary to adjust the rate again to encourage increased program participation. Therefore, we are requesting that the Corporate Partnership Rate be set to reflect an 18% discount off the undergraduate and graduate in-state tuition rates. This will set the current Corporate Rate at approximately \$250 for undergraduate students and \$428 for graduate students, effective with the 2021-22 academic year. These rates will adjust automatically when the Board of Trustees approves increases in the University's tuition rates.

All other fees, including mandatory fees, non-mandatory fees, online fees, etc., will be charged at the full rate. The University will work with each company individually to determine if these fees will be covered by the company or the student.

The above information is being provided for your review and approval.



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Fall Quarterly Board Meeting

DATE: September 14, 2021

SUBJECT: **Approval of Compensation**

BACKGROUND INFORMATION:

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

The Governor’s budget provided \$4.5 million in recurring funding to annualize the 2.0% January 1, 2021 salary pool and fund a 2.0% July 1, 2021 salary pool. However, the funding provided by the State only covered 55% of the total cost of a 4% salary pool.

As with any budget year, the University is very cognizant of not overcommitting recurring resources that will strain the University in future years of meeting its obligations. As was shown in the budget materials provided for the May 2021 Finance and Personnel Committee meeting, the University committed to reallocating over \$600,000 in the FY 2021-22 budget to meet upcoming fixed costs increases. Allocating additional funding beyond the amount funded by the State for salaries would only increase reallocations and reduce campus budgets even further.

Due to only receiving partial funding from the State for the salary pool, coupled with limited operating appropriations and limits placed on tuition increases by the FOCUS Act, the University is recommending an allocation for salaries equal to the amount of funding received from the State of \$4.5 million. In addition, the recommendation is for a 2.7% Across the Board (ATB) increase, with a \$750 minimum.

The University plans to present updated market data for the compensation plan at the November 9, 2021 committee meeting.

The above information and related materials are being provided for your review and approval.

Salary Pool Allocation Recommendation

The President recommends your approval of the following:

- 2.7% Cost of Living Allowance (COLA) or \$750, whichever is greater for regular employees, both full and part-time, employed as of June 30, 2021 and in an active pay status on October 1, 2021.
- The COLA increase will be retroactively applied to Administrative and Classified staff as of July 1, 2021, and to Faculty as of August 1, 2021.
- The COLA will be distributed to all unrestricted and restricted regular full-time and part-time employees and participants in the post-retirement service program.
- Increases will not apply to adjunct faculty, temporary employees, graduate assistants, or student workers.
- Unless specifically excluded by statute or on terminal leave status, all eligible persons employed as of June 30, 2021, shall receive the increase, with the exception of employees with unsatisfactory work performance.

If approved, the following are the guidelines that are recommended for implementing the increase:

- 2.7% COLA or \$750 minimum payment is pro-rated for part-time employees.
- Reclassifications, degree changes, etc. previously approved to be effective prior to or on July 1, 2021, are to be applied before the 2.7% COLA.
- Faculty promotions are to be applied before the 2.7% COLA.
- An employee appeal process for those who don't receive the COLA increase due to an unsatisfactory evaluation. This is to allow the employee an opportunity to provide supporting evidence that an administrative error was made in the implementation process.



**Middle Tennessee State University
Board of Trustees**

Information Item

MEETING: Fall Quarterly Board Meeting
DATE: September 14, 2021
SUBJECT: [Comments](#)
PRESENTER: Vice Chair Darrell Freeman



**Middle Tennessee State University
Board of Trustees**

MEETING: Fall Quarterly Board Meeting

SUBJECT: **Board Secretary Report**

DATE: September 14, 2021

PRESENTER: James Floyd
Board Secretary

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.

On August 4, 2021, two Board policies were revised to update Brenda Burkhart's title from Director of Audit and Consulting Services to Chief Audit Executive.

- Reservation and Delegation of Authority
- Board Committees

