



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

August 24, 2021
9:00 am

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



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

August 24, 2021
9:00 am

AGENDA

Call to Order and Opening Remarks

Roll Call

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

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

 Policy 540 Student Conduct

 Rule 0240-07-05 Student Conduct

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

 Policy 541 Residential Life and Housing Policy

 Rule 0240-07-07 Residential Life and Housing

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

Approval of Appointment of Chair of Excellence (Action)..... [Tab 5](#)

Notification of New Center (Information) [Tab 6](#)

Post-Approval Monitoring Report (Information) [Tab 7](#)

Update on Graduate Enrollment (Information) [Tab 8](#)

Athletics Update (Information) [Tab 9](#)

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: August 24, 2021

SUBJECT: **Minutes of the May 25, 2021
Academic Affairs, Student Life, and
Athletics Committee Meeting**

PRESENTER: Pam Wright
Committee Chair

BACKGROUND INFORMATION:

The Academic Affairs, Student Life, and Athletics Committee met on May 25, 2021. Minutes from the meeting are provided for review and approval.

**MIDDLE TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES**

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

The Academic Affairs, Student Life, and Athletics Committee met on Tuesday, May 25, 2021, in the Miller Education Center Meeting Room at Middle Tennessee State University.

Call to Order

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

Roll Call

Committee Chair Wright requested that Acting Board Secretary Jeff Farrar call the roll. The following Committee members were in attendance: J.B. Baker, Tom Boyd, Pete DeLay, Joey Jacobs, Mary Martin, Steve Smith, Pam Wright, Delanie McDonald, Keith Huber, and Chris Massaro. A quorum was declared.

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

Approval of Minutes - Action

The first agenda item was approval of the minutes from the March 16, 2021, Academic Affairs, Student Life, and Athletics Committee meeting. Trustee Delay moved to approve the minutes from the March 16, 2021, meeting and Trustee Baker seconded the motion. A voice vote was

taken and the motion to approve the minutes from the March 16, 2021, meeting of the Academic Affairs, Student Life, and Athletics Committee passed unanimously.

Achievement Gaps Initiative - Information

Provost Byrnes introduced Vice Provost for Student Success Rick Sluder to provide an overview of MTSU's early arrival programs, Scholars Academy and Student Transition and Academic Readiness (S.T.A.R.) programs. Scholars Academy began in 2005 with 30 students coming to MTSU campus for a five-week academy. In 2016, it was redesigned, according to national best practices, to a two-week program and expanded to 100 students. Brelinda Johnson, Scholars Academy manager and Travis Stratton, assistant manager, presented background information on the Scholars Academy and S.T.A.R. program.

Dr. Sluder presented retention and graduation rates for Scholars Academy freshmen compared to other freshmen and the fiscal impact of MTSU's student success work. The first-time, full-time freshman retention rate has increased from 68.5% in 2013 to 78.4% in 2020. If the retention rate remained the same, we would have 803 fewer students enrolled and \$3,032,931 less in tuition.

Trustee Freeman noted that the funding formula places more emphasis on first-generation students, so we could make a business case for investing in these groups of students. Trustee Martin added that the structure of the funding formula rewards other institutions more than MTSU, because we have been so successful with first-generation, Pell-eligible students.

Dr. Sluder concluded his presentation by discussing the proportion of different races and genders among MTSU students. Data from Fall 2011 to Fall 2020 comparing students by race, ethnicity and gender shows an increase in all diverse groups.

Approval of Tenure and Promotion Candidates - Action

Provost Byrnes presented the list of twenty-two (22) tenure candidates and thirty-eight (38) promotion candidates recommended by the President and Provost for the Committee's consideration.

Chairman Smith moved to approve tenure for twenty-two (22) candidates and promotion for thirty-eight (38) candidates. Trustee Delay seconded the motion. A voice vote was taken and the motion passed unanimously.

Application and Enrollment Activity - Information

Provost Byrnes presented enrollment data to the Committee. Summer enrollment is up by 453 students (6.93%). Fall undergraduate enrollment is currently down by 500 students (3.6%) for this same day last year but based on CUSTOMS registrations we expect that number to be down around 2%. Graduate enrollment for Fall is up by 559 students (44.4%).

Athletics Update - Information

Athletic Director Chris Massaro reported academic and athletic achievements to the Committee. Sixty-four (64) student athletes graduated over this academic year and fifty-seven (57) student athletes earned a perfect 4.0 during Spring semester. Men's Tennis and Women's Golf had the highest semester GPAs. MTSU's athletic teams led Conference USA in league titles with only the baseball championship remaining.

Trustee Baker asked about the Athletics facility plan. Massaro responded that about half of the funding has been raised, and the goal is to have all the funding by September to present to the State Building Commission.

Setting a Goal for Graduation Rates - Action Item

Trustee Delay stated that the Board is charged with managing the university as a whole and is responsible for setting the course for the University and that graduation is the reason that students come to MTSU. Trustee delay recommended that a clear goal be established to increase graduation rates.

Trustee Delay moved to establish as the Board's top priority that we expect the six-year graduation rate to increase by 5% in the coming five years. Trustee Freeman seconded the motion.

During discussion, Dr. McPhee added that the Quest for Student Success 2025 has a goal of 60% six-year graduation rate and having the Board endorse that goal would be helpful. Trustee Delay moved to amend his motion to align with the strategic plan. Trustee Freeman seconded the motion to amend. A voice vote was taken, and the motion to amend the original motion passed unanimously.

Trustee Delay restated the amended 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. A voice vote was taken and the motion passed unanimously.

Closing remarks – Committee chair Wright thanked the presenters and adjourned the meeting.

Adjournment

The meeting adjourned at 10:29 a.m.

Respectfully submitted,

Academic Affairs, Student Life, and Athletics Committee



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: August 24, 2021

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

PRESENTER: Jeff Farrar
Associate University Counsel

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. A Rulemaking Hearing is scheduled for the Board of Trustees meeting on September 24, 2021.



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 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.

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 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. 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, vviolations 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 ~~four (4)~~ 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) ~~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 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.

- 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.

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).

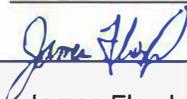
0240-07-05-.10 Authority of the President is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

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**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: August 24, 2021

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

PRESENTER: Sondra Wade
Assistant University Counsel

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. A Rulemaking Hearing is scheduled for the Board of Trustees meeting on September 24, 2021.



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 from the University or failing to enroll in classes at the University.

The ~~a~~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 ~~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 ~~a~~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 (~~1st~~) day of classes for any given term, University may cancel the ~~a~~Agreement. 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 ~~A~~Agreement ~~form~~.

B. During the Term of the Agreement. The ~~a~~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-~~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 Areements. 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 hallstudent 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 hallstudent residence facility as directed by the student residence hallfacility 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 hallfacility personnel. Violations of visitation guidelines will be reported to the appropriate area coordinator of the participating hallstudent 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.
- ~~L~~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 hallfacility 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.

~~H.~~ 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.

- ~~UU~~. 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.
- ~~VV~~. 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.~~
- ~~WW~~. 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.

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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:

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

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

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: August 24, 2021

SUBJECT: **Approval of Expedited Tenure**

PRESENTER: Mark Byrnes
Provost

BACKGROUND INFORMATION:

The University may find it necessary to expedite tenure review in order to recruit high-quality faculty for administrative positions. Departmental input regarding tenure for an administrator is necessary since tenure is awarded in a specific department. [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 |
|-------------------|-------------------|---------------------|
| Preliis, Chaminda | Aerospace | Associate Professor |
| Trent, Tiffany | Theatre and Dance | Associate Professor |



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: August 24, 2021

SUBJECT: **Appointment of Chair of Excellence**

PRESENTER: Mark Byrnes
Provost

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 BERC 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.



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: August 24, 2021

SUBJECT: **Notification of New Center
for Professional Selling**

PRESENTER: Mark Byrnes
Provost

BACKGROUND INFORMATION:

Policy 258 Criteria for the Evaluation of Bureaus, Centers, and Institutes states “the creation or termination of a bureau, center, or institute will be reported at each regular meeting of the Board.”

The creation of the Center for Professional Selling will expand research and services currently provided by the Office of Professional Sales housed in the Jones College of Business. The establishment of the Center also creates opportunities and resources for the business community in Middle Tennessee enabling growth and positioning of salespeople for success in their careers.

Additionally, the Center will allow MTSU to join the University Sales Center Alliance to elevate visibility of the Professional Selling concentration within the BBA in Marketing across the nation.

CENTER FOR PROFESSIONAL SELLING PROPOSAL

Executive Summary

Situation

Middle Tennessee State University is in the geographic center of the state and serves the business community where it is the largest university in the state on one campus. It is the only university in the state that has a Marketing-Professional Selling degree and a Sales Lab. Degree-seeking students can earn the selling concentration or selling certificate, and non-degree seeking students may earn the sales certificate. The 10-county region of Middle Tennessee has a current population of 1.9 million and has the workforce, infrastructure and quality of life that allows it to compete in the global market. The Greater Nashville Regional Council estimates that the region will experience more than 50 percent population growth during the next 25 years.

Problem

According to LinkedIn, there are 8.5 million Sales Representative job openings and another 1.8 million Customer Service Specialist job openings worldwide. Approximately 15,000 of these openings are in the Middle Tennessee 10-county region that is expecting a 50% population growth during the next 25 years.

Implication

With so many sales job openings worldwide and within the region, many people go into a sales career without proper training and most companies are not equipped to properly train their sales employees nor give the time to learn the trade. The result of this process is a significantly higher turnover rate because of the lack of training.

Needs-Payoff

Middle Tennessee State University's Center for Professional Selling will provide the professional selling graduates the means to meet the needs of an ever-changing market through learning experiences inside and outside the classroom, resulting in lower turnover and a faster ramp-up time.

Proposal

A. Assessment of Need

Currently, the Office of Professional Sales supports the professional selling concentration at Middle Tennessee State University (MTSU). The creation of the Center for Professional Selling at MTSU and the Jones College of Business will expand the depth and reach of the current Office. In addition, The Center will provide resources to the business community in Middle Tennessee that will enable them to create growth in their business and position their salespeople for success in their careers.

According to LinkedIn's Search Engine Journal, in 2020 there were 8.5 million Sales Representative job openings and an additional 1.8 million Customer Service Specialist job openings worldwide. In Middle Tennessee, there are over 15,000 openings per year related to sales.

1. The 15,000 openings in Middle Tennessee only represent the jobs that are labeled "sales." It does not include the many professions that use sales skills daily.
2. The average annual sales salary is a base of \$48,104 - plus commissions (updated on October 24, 2020).

B. An analysis of the purpose of the entity identifying it as a research, public service, or instructional unit. Such units should be budgeted in such a way as to reflect their purpose. Units proposed as combinations of research, public service, or instruction should be described in detail sufficient to ascertain the primary purpose of the entity.

The Greater Nashville Regional Council estimates that the region will experience more than 50 percent population growth during the next 25 years. The 10-county region has a current population of 1.9 million and has the workforce, infrastructure, and quality-of-life that allows it to compete in the global market. MTSU and The Center are in a unique position to serve the growth of the region in four main areas:

1. Providing the professional selling graduates the means to meet the needs of an ever-changing market through learning experiences inside and outside the classroom. It is important to note the turnover rate for

professional selling graduates is 30% lower than for those without a selling certification.

2. The Center will reinforce the strong relationship between the Middle Tennessee business community.
3. By producing research and white papers The Center will provide resources and support to the region's sales professionals and organizations.
4. Through consulting with organizations and training sales professionals, The Center's activities will benefit the region by improving the selling effectiveness of the participating organizations. Currently, no other university in middle Tennessee has degree leading to professional selling, office or center of professional selling, leaving a void in the region for resources.

C. A description of how the entity relates to the University's role and scope.

Professional selling has been taught at MTSU for several years. The Office of Professional Sales began in 2018, the selling concentration was first offered in the fall of 2019, and the selling certificate followed in the fall of 2020.

Currently, the Office of Professional Sales has nine corporate partners with levels of support and are composed of the following mix: one at \$20,000 per year, one at \$10,000, three at \$5,000, one at \$2,500, with the remaining three as in-kind partners. The sales program at MTSU has two named sites:

1. Insurance Group of America Office of Professional Sales located in BAS N436A.
2. Mel Adams State Farm Agent Professional Sales Lab located in BAS S123 (Note: According to the Sales Education Foundation fewer than one percent of universities have a sales concentration, and very few of them have a sales lab.)

D. An identification of the campus discipline base from which the entity will operate, and the faculty strengths upon which it will draw.

The Office of Professional Sales is housed in the Department of Marketing with direct reporting to the department chair and Jones College of Business dean. Faculty who currently teach one or more courses include:

- Mr. Thom Coats – Director and Professor of Practice
- Dr. Diane Edmondson – Professor

- Dr. Lucy M. Matthews – Assistant Professor
- Dr. Michael Peasley – Assistant Professor
- Dr. W. Randy Clark – Associate Professor

E. A description of the activities of the unit indicating relationships to purpose.

MTSU Students

The Center has the potential to reach students outside of the department and the college in areas of study that will enhance their internal sales skills in their chosen career by offering the selling certificate. By leveraging the selling certificate, The Center will provide all students at MTSU the opportunity to learn the sales process. The Jones College of Business only makes up 14% of the student body at MTSU. By leveraging the “everyone-is-in-sales” thinking, The Center can reach all MTSU students offering them the opportunity to learn the sales process. The sales process can increase their chance of success in their chosen career, helping them become productive, successful employees. The Center will continue to serve the marketing major with the professional selling concentration.

Corporate Partners

The Center can serve corporate partners by offering the selling certificate either remotely or by using the MTSU Executive Training Center. This activity can strengthen the college’s relationship with the Middle Tennessee business community.

F. A statement regarding the anticipated duration of the unit.

The Center will continue to be housed in the Department of Marketing in the Jones College of Business and serves both the students of MTSU as well as the Middle Tennessee business community.

Based on anticipated growth, the Center should grow to the point of needing additional Sales Labs and dedicated conference room space. The addition of new Sale Labs will allow MTSU to host regional and national collegiate professional sales competitions. Therefore, allowing MTSU to compete with nationally recognized selling programs such as Kennesaw State, Ball State, Florida State and Florida International. The first step of this effort is taking place the Spring 2021 semester with the addition of an elevator pitch competition for the MKT 3840 and 4850 class named “The Pitch.” A dedicated

conference room space will give the Center the ability to conduct “Sales Management” role plays and aid the Center with its collaboration with other universities. The focus will be with universities from outside the United States. The first university we are attempting to work with is Tecnologilo De Monterrey from a region in Mexico that is very similar to Middle Tennessee. Both markets have a great deal of automotive manufacturing.

G. A projection of the costs and revenues associated with the operation of the bureau, center, or institute over the first five (5) years, and an indication of what institutional support, if any, may be required.

The Center will continue with the current events that are fully funded by corporate partners. Any new events will have to have corporate partners associated with them. There will be no new funding requested for the University. See addendum for the five-year budget projection.

H. An organizational chart identifying the location of the administrative unit and the individual responsible for the successful operation of the proposed unit.

Center Organizational Chart

Jones College of Business
Dean/Associate Dean



Department of Marketing
Chair



Center for Professional Selling
Director

I. An identification of any similar or related services already being offered by an institution or agency within the state.

No other university in the state of Tennessee has a sales lab for their professional selling students. University of Tennessee and Lipscomb University both have a sales concentration, and University of Memphis only offers a minor. This makes MTSU the only university in the state that has a sales lab,

concentration, and certification. In addition, no other university in the region has a professional selling degree with an international element.

Florida State University, Kennesaw State University, and Ball State University are three universities that have professional selling programs to emulate.

J. A description of procedures for regular evaluation of the unit.

The Key Performance Indicators (KPIs) for the Center can be measured in three areas.

1. Number of students in the program, year-over-year.
2. Increase in Corporate Partnerships.
3. Successful career path results for program graduates.

Addendum

Five-year Budget

The budget is based on current funds available from corporate partner companies. No new expenditure will be requested from the University. The 2021 Spring budgeted activities were very low due to COVID-19 limits on group meetings.

| Category | Item | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------------|---------------------------------|-------------|-------------|-------------|-------------|-------------|
| Competition Events | Enterprise Sales | 2,100 | 2,100 | 2,100 | 2,100 | 2,100 |
| | Personal Selling | 900 | 900 | 900 | 900 | 900 |
| | Global Bilingual Sales | 900 | 5,000 | 5,000 | 5,000 | 5,000 |
| | Northeast Intercollegiate Sales | 900 | 5,000 | 5,000 | 5,000 | 5,000 |
| | Advanced Sales | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 |
| | Elevator Pitch | 900 | 1,500 | 1,500 | 3,000 | 3,000 |
| | International Sales | 0 | 5,000 | 5,000 | 5,000 | 5,000 |
| Networking Events | Etiquette Dinner | 0 | 3,000 | 3,000 | 3,000 | 3,000 |
| | Morning Networking Event | 0 | 3,000 | 3,000 | 3,000 | 3,000 |
| Recruitment | Recruitment Give Away | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 |
| | Advisor Committee Gift/Lunch | 900 | 2,000 | 2,000 | 2,000 | 2,000 |

| | | | | | | |
|-------------------|---|--------|--------|--------|--------|--------|
| Community Service | Free Sales Training Events/Training Materials | 1,000 | 2,000 | 2,000 | 2,000 | 2,000 |
| Sales Lab | Paint | 300 | | 300 | | 300 |
| | Camera | 900 | | | | |
| Total | | 14,800 | 35,500 | 35,800 | 35,500 | 35,800 |

Robert B. Blair

Robert B. Blair, Interim Chair, Department of Marketing

David Urban

David Urban, Dean, Jones College of Business

Mark Byrnes

Mark Byrnes, Provost

Sidney McPhee

6/21/21

Sidney McPhee, President



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Information Item

DATE: August 24, 2021

SUBJECT: **Post-Approval Monitoring Report**

PRESENTER: Mark Byrnes
Provost

BACKGROUND INFORMATION:

For the 2020-21 reporting cycle, MTSU had 10 programs listed for Post Approval Monitoring. Of these programs, one (Master of Science in Library Science) was in its final year, and three programs were added that will begin in 2022 (Bachelor of Arts in Art Therapy; Master of Arts in Art Therapy, and the Master of Science in Physician Assistant Studies). All programs met graduation benchmarks, and three programs did not meet enrollment benchmarks. THEC requires 80% attainment of the projected enrollment or graduation goal for the benchmark to be achieved. Percentages are provided on these programs to indicate how close they were to meeting the THEC requirement.

New and Post-Approval Monitoring Programs

| Program | Degree Level | Year Implemented | Year in PAM | Enrollment Benchmarks Achieved | Graduation Benchmarks Achieved |
|---------------------------------------|--------------|------------------|-------------|--------------------------------|--------------------------------|
| 1. Library Science | Master | 2016 | Exiting | Yes | Yes |
| 2. Africana Studies | Bachelor | 2017 | 4 | No (42%) | Yes |
| 3. Fermentation Science | Bachelor | 2017 | 4 | No (71%) | Yes |
| 4. Religious Studies | Bachelor | 2017 | 4 | Yes | Yes |
| 5. Dance | Bachelor | 2017 | 4 | No (75%) | Yes |
| 6. Tourism and Hospitality Management | Bachelor | 2019 | 2 | Yes | Yes |
| 7. Data Science | Bachelor | 2020 | 1 | Yes | -- |
| 8. Art Therapy | Bachelor | 2021 | Status | -- | -- |
| 9. Art Therapy | Master | 2021 | Status | -- | -- |
| 10. Physician Assistant Studies | Master | 2021 | Status | -- | -- |

Middle Tennessee State University: Academic Program Summaries

1. Library Science *Master* *2016 Implementation*

The Library Science program exceeded enrollment projections and met graduation benchmarks in the final year of monitoring. The success of the program is attributable due to progress towards accreditation, flexible course delivery, and diversifying the program to include training in the many different types of libraries that serves a variety of fields and disciplines. The program will exit monitoring.

2. Africana Studies *Bachelor* *2017 Implementation*

The Africana Studies did not meet their enrollment projections but did meet their graduation benchmarks in year four of monitoring. The program has appointed a new director with significant experience in the discipline and MTSU hopes this stability will increase outcomes in year five of the program.

3. Fermentation Science *Bachelor* *2017 Implementation*

Fermentation Science was below enrollment projections but above graduation benchmarks for year four of monitoring. The program has had difficulty with necessary travel for marketing and hiring a technician for the program but has had success in placing graduates in brand leaders in various industries which is increasing opportunities for current students. The Terrapin Beer Company, a subsidiary of Molson Coors Beverage Company, established a scholarship for underrepresented students in the program and is actively marketing the program in their other corporate ventures like their brewery at Truist Park, home of Major League Baseball's Atlanta Braves. The program has also benefitted from a USDA grant to build a pipeline for community college students and has the first cohort entering the program in the fall of 2021.

Middle Tennessee State University: Academic Program Summaries

4. Religious Studies

Bachelor

2017 Implementation

The Religious Studies program exceeded enrollment and graduation benchmarks for year four of monitoring. Due to this success, tuition revenue for the program is higher than projected. The program is on track to complete monitoring after year five.

5. Dance

Bachelor

2017 Implementation

The Dance program was below enrollment projections but exceeded graduation benchmarks in year four of monitoring. The program has strong enrollment with 40 students currently enrolled in the program and has graduated more students to date than was projected. The program is on track to exit monitoring after year five.

6. Tourism and Hospitality Management

Bachelor

2019 Implementation

The Tourism and Hospitality Management program surpassed both enrollment and graduation benchmarks in year two of monitoring. The program had nine graduates in year two, with the first graduates not anticipated until 2021-2022 academic year. The program is well above projected tuition revenue.

7. Data Science

Bachelor

2020 Implementation

The Data Science program met enrollment projections for year one of monitoring. The program has been successful in hiring all necessary faculty and is on track to meet enrollment projections in year two of monitoring.

8. Art Therapy

Bachelor

2021 Implementation

The Art Therapy undergraduate program has struggled to hire credentialed faculty to date. Recent accreditation changes have increased the educational requirements for Art Therapy faculty members to an earned doctorate but practicing therapists have little incentive to pursue doctoral studies in the field as a master's degree is all that is needed for national board certification. Due to this, the program will delay implementation a year to the fall of 2022, pending successful faculty and program director searches.

9. Art Therapy

Master

2021 Implementation

The Art Therapy graduate program cannot implement the program until a program director is hired. Due to this, the program will delay implementation a year to the fall of 2022, Prospective students have shown significant interest in the program and MTSU is in communication with these students about the status of the program. The program is working with the College of Graduate Studies to develop the program's website to aid with marketing when the program gains final accreditation approval.

10. Physician Assistant Studies

Master

2022 Implementation

The Physician Assistant Studies master's program has successfully hired the necessary positions to implement the program and is in the process of joining the Centralized Application Service for Physician Assistants to be able to recruit the first class for 2022. MTSU has developed a marketing strategy and materials for the program. The program has been able to capitalize on the professional networks of the initial hires and has created a strong foundation for potential preceptors for the program.



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Information Item

DATE: August 24, 2021

SUBJECT: [Update on Graduate Enrollment](#)

PRESENTER: David Butler
Vice Provost for Research and
Dean, College of Graduate Studies

BACKGROUND INFORMATION:

David Butler, Vice Provost for Research and Dean of the College of Graduate Studies, will discuss recent growth in graduate enrollment.



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Information Item

DATE: August 24, 2021

SUBJECT: **Athletics Report**

PRESENTER: Chris Massaro
Athletics Director

BACKGROUND INFORMATION:

Athletics Director Chris Massaro will provide an update on Middle Tennessee Athletics.