



Middle Tennessee State University
Academic Affairs, Student Life and Athletics

11:00 am CDT
Tuesday
February 27, 2018

President's Conference Room
Cope Administration Building
Murfreesboro, Tennessee 37132



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

Tuesday, February 27, 2018, 11:00 AM

ORDER OF BUSINESS

- I. Call to Order
- II. Roll Call
- III. Remarks by Committee Chairperson / President
- IV. Approval of the Minutes
 - December 5, 2017 (Action) [Tab 1](#)
- V. Approval of Rule Promulgation and Policy Revision (Action) [Tab 2](#)
 - Student Conduct
 - Policy 540 – Student Conduct
- VI. Approval of New Academic Programs (Action)..... [Tab 3](#)
- VII. Notification of Academic Actions (Information) [Tab 4](#)
- VIII. MTSU Research Foundation (Information) [Tab 5](#)
- IX. Sale of Alcohol at Athletic Venues (Information) [Tab 6](#)
- X. Adjourn



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

Tuesday, February 27, 2018, 11:00 AM

Tab 1

Approval of Minutes



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: Minutes of the December 5, 2017
Academic Affairs, Student Life &
Athletics Committee Meeting

DATE: February 27, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The Academic Affairs, Student Life & Athletics Committee met in regular session on December 5, 2017.

Attached for your review and approval are the minutes from this meeting.

MINUTES OF THE ACADEMIC AFFAIRS, STUDENT LIFE, AND ATHLETICS COMMITTEE

December 5, 2017

The Academic Affairs, Student Life, and Athletics Committee met on Tuesday, December 5, 2017, at Middle Tennessee State University. Chairwoman Pam Wright called the meeting to order at 10:30 a.m. A quorum was present with the following Committee members in attendance: J.B. Baker, Pete Delay, Joey Jacobs, Tony Johnston, Steve Smith, Pam Wright, Lindsey Weaver, Keith Huber and Chris Massaro. Also present were Trustees Andy Adams and Darrell Freeman; Sidney McPhee, President; Joe Bales, Vice President for University Advancement; Brenda Burkhart, Chief Audit Executive; Mark Byrnes, University Provost; 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; and, Heidi Zimmerman, University Counsel and Board Secretary.

Chairwoman Wright began the meeting with approval of the minutes from the August 15, 2017 Committee Meeting. Trustee Smith made the motion, which was seconded by Trustee Johnston. A voice vote was taken and the Motion carried to approve the minutes from the August 15, 2017 Committee Meeting.

The next item was promulgation of the rule Classification of Students defining residency of students as required by T.C.A. § 49-8-104. The rule will be used to determine whether or not out-of-state tuition shall be charged to a student enrolling at MTSU. To be consistent with the proposed rule, revisions to the corresponding policy, 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes, were necessary. Trustee DeLay made the motion to approve the rule and revisions to the policy. Trustee Johnston seconded the motion. A roll call vote was taken and the Motion carried unanimously to approve Rules of Middle Tennessee State University, Murfreesboro, Chapter 0240-07-01, Classification of Students and revisions to Policy 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes.

The next action item was a revision to University Policy 205, Promotion of Tenured and Tenurable Faculty, to allow the Provost to approve exceptions to minimum rank qualifications and add faculty to the process of recommending these exceptions. Trustee Johnston moved to approve the revisions with Trustee Jacobs seconding the motion. A voice vote was taken and the Motion carried to approve the revisions to University Policy 205.

The next item for the committee was approval of expedited tenure for three faculty members currently serving as administrators. Dr. Byrnes told the committee that tenure is typically approved at the June meeting, but this request is for administrators hired out of cycle. Trustee Smith made the

motion to approve expedited tenure for Kimberly Douglass, David Schmidt, and Cheryl Torsney. Trustee Baker seconded the motion. A voice vote was taken and the Motion carried to approve expedited tenure for Kimberly Douglass, David Schmidt, and Cheryl Torsney.

Approval of a new academic program, B.B.A. in Risk Management and Insurance, was the next action item. Trustee Wright moved for approval of the program and Trustee Smith seconded the motion. A voice vote was taken and the Motion carried to approve elevation of the existing concentration in Insurance within the B.B.A. in Finance to a Free-Standing B.B.A. degree in Risk Management and Insurance to be effective Fall 2018.

Next, Dr. Byrnes notified the committee of academic actions since this committee last met. The list included department name changes effective July 1, 2018, and academic program changes including name changes, program terminations, new concentrations, new minors and one consolidation.

Dr. Byrnes also notified the committee of new academic programs under consideration. Pending the results of feasibility studies, the University may submit Letters of Notification to THEC.

At a previous meeting the Committee asked for information about requesting disclosure of previous criminal convictions as a part of the admissions process. Dr. Sells reviewed current data on correlations to campus safety, impact on application rates, and impact on low income and minority students. There was a discussion on risk management and liability, as well as on our national ranking for safety. (MTSU is the only Tennessee campus included in a national ranking of safest campuses.) It was agreed that there was no value in adding this inquiry to the admissions process.

Next, Dr. Sells provided the committee with the Fall 2017 census data.

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

Athletic Director Chris Massaro presented findings and recommendations from architects, Heery and Associates, for athletics facilities. The proposal was for a 5 stage project at an estimated cost of between \$80 – 100 million. The project would become part of the campus Master Plan and will be placed on an upcoming agenda of the Finance and Personnel Committee.

The last item of business was approval of a new Board of Trustees policy that applies to travel by the Board of Trustees in the performance of their official duties. Trustee Smith made the motion to approve the policy. Trustee DeLay seconded the motion. A voice vote was taken and the Motion carried to approve the policy, Board of Trustees Travel, with amended language to section D:

- D. Combining University and Personal Travel. If a Trustee, **other than the Faculty or Student Trustee**, takes an indirect route or interrupts a direct route for any reason other than University business, the University shall reimburse only the portion required for business purposes. When the University prepaid the airfare, rental car, or lodging the Trustee shall reimburse the University for the unrelated portion of the expense. The Trustee may travel with athletic teams, but will reimburse the University for expenses incurred on their behalf **related to transportation and lodging**. Weekends, holidays or other necessary diversions or layovers shall be eligible for reimbursement when required for business or will result in safer or more reliable or cost efficient travel.

The meeting adjourned 12:10 p.m. (CST).

Respectfully submitted, Academic Affairs, Student Life and Athletics Committee



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

Tuesday, February 27, 11:00 AM

Tab 2

Rule Promulgation and Related Policy
Student Conduct



Middle Tennessee State University Board of Trustees

MEETING: Academic Affairs, Student Life & Athletics Committee

SUBJECT: [Rule and University Policy re: Student Conduct](#)

DATE: February 27, 2018

PRESENTER: Heidi Zimmerman

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

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

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

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

Proposed Rule(s) Filing Form

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

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

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

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

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

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

New

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

Table of Contents

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

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

0240-07-03-.01 Purpose.

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

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

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

0240-07-03-.02 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Alcoholic Beverages.

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

(b) Drugs.

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

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

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

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

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

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

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

0240-07-03-.05 Classroom Misconduct.

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

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

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

0240-07-03-.06 Disciplinary Sanctions.

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

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

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

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

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

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

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

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

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

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

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

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

0240-07-03-.08 Disciplinary Procedures.

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

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

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

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

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

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

(8) Appeals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date: _____

Signature: _____

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Middle Tennessee State University

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

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

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

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

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

Impact on Local Governments

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

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

Additional Information Required by Joint Government Operations Committee

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

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

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

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

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

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

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

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

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

None

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

None

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

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

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

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

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

Heidi Zimmerman, MTSU University Counsel
1301 E. Main Street, CAB 209
Murfreesboro, TN 37132
615-898-2025
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

540 Student Conduct

Approved by Board of Trustees

Effective Date: _____, 2018

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students

I. Purpose

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

II. Definitions

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

III. Responsibility and Jurisdiction

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

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

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

IV. Student Conduct Rules: Values and Behavioral Expectations

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

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

1. Alcoholic Beverages.

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

2. Drugs.

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

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

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

[Policy 312 Academic Misconduct](#)

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

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic and Parking](#)

[Policy 910 Information Technology Resources](#)

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

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

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

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

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

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

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

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

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

V. Classroom Misconduct

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

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

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

VI. Disciplinary Sanctions

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

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

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

12. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

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

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

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

VII. Student Conduct Hearing Officers and/or Boards

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

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

VIII. Disciplinary Procedures

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

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

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

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

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

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

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

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

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

2. Uniform Administrative Procedures Act.

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

G. Interim Involuntary Withdrawal or Suspension Hearings.

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

H. Appeals

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

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

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

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

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

IX. Alternative Resolution of Disciplinary Incidents

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

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

X. Victim's Rights

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

- B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). These victims are afforded the following rights:
 - 1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - 2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 - 3. The victim shall be given an opportunity to submit a written account of the alleged incident;
 - 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
 - 5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
 - 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;

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

XI. Authority of the President

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

Forms: none.

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

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

540 Student ~~Disciplinary Rules~~ Conduct

Approved by Board of Trustees

Effective Date: ~~June 5, 2017~~ _____, 2018

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students

I. Purpose

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

II. Definitions

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

III. Responsibility and Jurisdiction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Alcoholic Beverages.

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

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

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

2. Drugs.

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

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

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

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

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

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

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

4. Public Intoxication.

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

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

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

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

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

[Policy 312 Academic Misconduct](#)

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

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic and Parking](#)

[Policy 910 Information Technology Resources](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Sexual Misconduct.

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

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

V. Classroom Misconduct

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

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

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

VI. Disciplinary Sanctions

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

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

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

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

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

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

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

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

VII. Student Conduct Hearing Officers and/or Boards

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

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

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

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

VIII. Disciplinary Procedures

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

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

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

E. Notice of Disciplinary Charges and Disciplinary Conference.

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

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

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

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

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

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

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

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

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

- a. The ~~committee's purpose is to~~ SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The ~~SJB and University Discipline Committee (UDC)~~ makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice Provost for Enrollment and Academic Services. The and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.
- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the ~~committee~~ hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. ~~University Discipline Committee-These~~ hearings are closed to the public unless all parties agree, in writing, to an open hearing.
- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference as well as the following additional rights:
 - (1) The right to receive notice ~~be advised in writing~~ of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (2) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the ~~S~~ student conduct ~~Disciplinary R~~ rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (3) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;

(4) The right to question witnesses;

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

2. Uniform Administrative Procedures Act.

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

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

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

G. Interim Involuntary Withdrawal or Suspension Hearings.

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

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

H. Appeals

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

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

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

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

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

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

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

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

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

IXVII. Alternative Resolution of Disciplinary Incidents

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

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

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

IX. Victim's Rights

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

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

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

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

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

XI. Authority of the President

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

Forms: none.

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

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



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

Tuesday, February 27, 2018, 11:00 AM

Tab 3

Approval of New Academic Programs



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

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

DATE: February 27, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

Establish a Free-standing Degree from an Existing Concentration

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

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

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

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

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

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

Proposed Implementation Date:

August 2018

Proposed Termination Date for Any Concentrations Proposed as Free Standing:

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

Anticipated Delivery Site:

Middle Tennessee State University campus – Murfreesboro, TN

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

Dr. Peter H. Cunningham
 Office of the University Provost
 Middle Tennessee State University
 615-494-7611
Peter.Cunningham@mtsu.edu

Background for Proposed Academic Program Modification:

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

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

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

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

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

Need for Program:

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

Potential Impact of Modification on Current Program:

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

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

Existing Programs Offered at Public and Private Tennessee Institutions:

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

Enrollment and Degrees Awarded by Concentration:

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

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

Student Learning Outcomes:

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

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

Assessment:

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

Accreditation:

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

Current and Proposed Curriculum Requirements:

See Attachment A – Comparison of Current & Proposed Curriculum.

New Courses Needed:

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

Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:

N/A

Distance Learning:

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

Current and Proposed Admission, Retention and Graduation Policies:

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

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

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

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

Current Faculty:

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

Finance:

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

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

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



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life & Athletics Committee

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

DATE: February 27, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

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

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

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

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

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

Before Proposed Change <i>(List as it now appears on the official Academic Program Inventory at THEC.)</i>			After Proposed Change <i>(List as it should appear on the official Academic Program Inventory at THEC, once approved.)</i>		
Title	Degree	CIP Code	Title	Degree	CIP Code
Title of Existing Academic Program (Including all existing concentrations before program modification)			Title of New Program after program modification is approved (including all concentrations)		
Interdisciplinary Studies <ul style="list-style-type: none"> • 6-8 Math • 6-8 Science • 6-8 Social Studies • 6-8 English • K-5 	B.S.	13.1206	Interdisciplinary Studies <ul style="list-style-type: none"> • 6-8 Math • 6-8 Science • 6-8 Social Studies • 6-8 English Elementary Education	B.S. B.S.	13.1206 13.1202

Proposed Implementation Date:

August 2018

Proposed Termination Date for Any Concentrations Proposed as Free Standing:

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

Anticipated Delivery Site:

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

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

Dr. Peter H. Cunningham
 Office of the University Provost
 Middle Tennessee State University
 615-494-7611
Peter.Cunningham@mtsu.edu

Background for Proposed Academic Program Modification:

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

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

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

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

Need for Program:

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

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

Potential Impact of Modification on Current Program:

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

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

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

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

Existing Programs Offered at Public and Private Tennessee Institutions:

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

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

Enrollment and Degrees Awarded by Concentration:

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

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

Student Learning Outcomes:

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

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

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

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

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

Assessment:

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

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

Accreditation:

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

Current and Proposed Curriculum Requirements:

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

New Courses Needed:

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

Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:

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

Distance Learning:

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

Current and Proposed Admission, Retention and Graduation Policies:

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

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

Students must meet the following retention requirements:

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

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

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

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

Current Faculty:

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

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

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

Finance:

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

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

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

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

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

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



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

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

DATE: February 27, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

Add a Degree Designation for an Existing Degree

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

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

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

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

Academic Program Modification Request

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

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Comparison of Before & After Curriculum	Attachment A

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

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

Proposed Implementation Date:

Fall, 2018

Proposed Termination Date for Any Concentrations Proposed as Free Standing:

N/A

Anticipated Delivery Site:

Middle Tennessee State University campus – Murfreesboro, TN

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

Dr. Peter H. Cunningham
Office of the University Provost
Middle Tennessee State University
615-494-7611
Peter.Cunningham@mtsu.edu

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

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

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

N/A

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

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

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

N/A

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

N/A

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

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

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

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

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

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

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

N/A

Current and Proposed Curriculum Requirements:

See Attachment A – Comparison of Current & Proposed Curriculum.

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

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

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

N/A

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

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

Current and Proposed Admission, Retention and Graduation Policies:

These policies mirror those established for the BA in English.

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

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

Finance: *Complete the THEC Financial Projection Form*

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

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

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

Academic Program Modification Request

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

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

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

Proposed Implementation Date:

Fall, 2018

Proposed Termination Date for Any Concentrations Proposed as Free Standing:

N/A

Anticipated Delivery Site:

Middle Tennessee State University campus – Murfreesboro, TN

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

Dr. Peter H. Cunningham
 Office of the University Provost
 Middle Tennessee State University
 615-494-7611
Peter.Cunningham@mtsu.edu

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

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

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

N/A

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

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

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

University of Tennessee, Knoxville School of Communication Studies

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

N/A

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

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

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

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

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

N/A

Current and Proposed Curriculum Requirements:

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

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

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

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

N/A

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

This program is not currently offered via distance learning.

Current and Proposed Admission, Retention and Graduation Policies:

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

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

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

Finance: *Complete the THEC Financial Projection Form*

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



Middle Tennessee State University Board of Trustees

Academic Affairs, Student Life, and Athletics Committee

Tuesday, February 27, 2018, 11:00 AM

Tab 4

Notification of Academic Actions



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: [Notification of Academic Actions](#)

DATE: February 27, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: None

BACKGROUND INFORMATION:

University Policy 251, Approval of Academic Programs, Units, and Modifications, delegates to the President or Provost the power to approve certain academic actions.

A summary of academic actions approved is provided below.

- Establishment of U.S. - China Ginseng Institute. MTSU is entering into an agreement with the Guangxi Botanical Garden of Medicinal Plants to establish a research institute to specialize in ginseng.

Proposal for International Ginseng Institute by MTSU and GBGMP

Mission/Objective

The mission of the International Ginseng Institute (IGI) is to become the world's leading institute specializing in applied ginseng research by expanding the long-existing partnership between MTSU and Guangxi Botanical Garden of Medicinal Plants (GBGMP). The IGI aims to accomplish three main objectives. 1) Develop scientific methods to improve conservation, introduce new methods of cultivation and define the standard/certification for American ginseng. 2) Use TN wild ginseng initially to develop diet supplementary products targeting major chronic diseases and support sustainable commercialization of this valuable herb in both China and the United States. 3) Develop ginseng related medical tourism and health care services. It will establish a replicable pattern of research cooperation between MTSU and GBGMP that will be adaptive to other important medicinal plants while proving commercially attractive to future funding partners.

Premise/Justification

Ginseng has been clinically used for several millennia as an effective medicine. It is the best plant to begin further cooperation between MTSU and GBGMP because: 1) The People's Republic of China recognizes the needs of its peoples to have access to effective, potent, and affordable sources of ginseng and has provided GBGMP with funding to address the issue; 2) Tennessee is one of the top states in the U.S.A. that produces and exports wild ginseng (considered the most desirable and potent ginseng worldwide); 3) MTSU has received a grant from the USDA to examine aspects of Tennessee ginseng including commercialization of ginseng products; and 4) Jointly the IGI can pursue strategies that will address China's needs through Tennessee's richly biodiverse wild ginseng strains thereby benefiting every aspect of the entire vertical production chain from seed to consumer.

Ginseng has significant economic, clinical, and cultural importance in Eastern culture, and is one of the few Asian medicinal plants well known in the West, so much so that it is referred to as "green gold". In the world's major ginseng market (Asia), native ginseng is nearly extinct due to centuries of overharvesting. The pending biological extinction crisis has brought about an absolute trading ban on Wild harvested ginseng in China and other countries, even Canada. Additionally, due to deforestation in Asia, there is not the opportunity to establish naturalized populations of wild ginseng with the currently available plant varieties. All of this is increasing pressure on domestic USA wild ginseng ecosystems and is leading to calls for greater regulation of the harvesting and trading of wild ginseng here. Therefore, given the strong traditional demand for this Asian medicinal staple and its growing use across the rest of the world, wild ginseng will continue to be a scarce commodity that is economically robust.

The IGI will be the first dedicated institute using scientific research to specialize in the development of comprehensive strategies, standards, and sustainable products from wild American ginseng for the benefit of the world.

Organization Structure

The IGI will be a brand new organization derived from the long-term partnership between MTSU and GBGMP. It will be housed in the School of Agribusiness and Agriscience under the College of Basic and Applied Sciences. Dr. Iris Gao (MTSU) and Dr. Miao (GBGMP) will serve as the initial co-directors for the IGI. Dr. Gao has considerable experience in medicinal plant research and has been serving as a key person to establish and maintain the partnership with GBGMP during the past seven years. She has published over 20 journal articles and has 3 filed patent applications from her research at MTSU. She has received a USDA grant specified in ginseng cultivation and research. Dr. Miao is currently the director of GBGMP that has received a 2 Billion CNY funding for medicinal plant research.

Strategy

Guided by ongoing ginseng resource protection efforts, based on scientific research, and driven by ginseng product R&D, IGI will establish a three-tier industrial structure that combines modern high-efficiency agriculture, nutraceutical industry, and health care industry to achieve coordinated regional development of ecology, social needs, and economic growth in Guangxi, China, and Tennessee, USA.

Tier-1. High-efficiency agriculture: ginseng conservation, cultivation, breeding, sustainable utilization, certification, education, and outreach.

Tier-2. Nutraceutical industry: R&D of ginseng diet supplementary products targeting tumor, cardiovascular diseases, and sleeping disorders.

Tier-3. Health care industry: ginseng related health care services and healthy lifestyle promotion.

By agglomeration of technology, talents and resources, IGI will address key questions in ginseng conservation and industry development. If this effort to establish a International Ginseng Institute between MTSU and GBGMP is followed to its logical conclusion, it may very well produce recurring financial resources through its ginseng derived products and created intellectual property of sufficient magnitude to develop other medicinal plants without further Government investment. By solving pressing medicinal, genetic, and demand needs the IGI should create a world-class example of international partnership that can be an example to others. The trusted history that exists between GBGMP and MTSU is the ideal opportunity for this beginning.



Middle Tennessee State University Board of Trustees

Academic Affairs, Student Life, and Athletics Committee

Tuesday, February 27, 2018, 11:00 AM

Tab 5

MTSU Research Foundation



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: [MTSU Research Foundation](#)

DATE: February 27, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: None

BACKGROUND INFORMATION:

The Office of Research proposes to organize a tax-exempt charitable corporation, "The MTSU Research Foundation," for the purpose of increasing the impact and outcomes of the University's research and sponsored programs enterprise across the University's mission, including education, innovation, technology transfer, economic development, and public service.

A prospectus is attached for your information.

To: Dr. Sidney A. McPhee, President

From: Dr. David L. Butler, Vice Provost for Research and Dean, College of Graduate Studies

cc: Dr. Mark Byrnes, Provost

RE: Prospectus to Establish the MTSU Research Foundation

- The Office of Research proposes to organize the “MTSU Research Foundation;”
- The Research Foundation will be budget neutral for MTSU, incorporated pursuant to Tennessee statute and the United States Tax Code;
- The Research Foundation will be governed by a volunteer Board of Directors;
- The Research Foundation may enter into agreements and contracts; receive gifts, donations, and grants; and hold stock and equity; and
- The Research Foundation will assume all liability and decision-making (in cooperation with inventors) for intellectual property development, commercialization and protection, after the property matures out of the basic research phase.

The Office of Research proposes to organize a tax-exempt charitable corporation, “The MTSU Research Foundation,” for the purpose of increasing the impact and outcomes of the University’s research and sponsored programs enterprise across the University’s mission, including education, innovation, technology transfer, economic development, and public service. The organization and operation of the Foundation is based in a review of Research Foundations associated with other institutions of higher education, including the University of Memphis and University of Tennessee.

The Research Foundation will be organized pursuant to the Tennessee Nonprofit Corporation Act and Sections 501(c)(3), 170(b)(1)(A)(iv), and 509(a)(1) of the United States Tax Code as applicable. As such, the Research Foundation will be neither a unit of the University nor an agency the State of Tennessee; will have unique Federal Tax ID and DUNS numbers; may enter into agreements and contracts with individuals and other legal entities, including the University; and may receive gifts, donations, and grants from individuals and other legal entities, public and private; and may hold stock and equity in private or public for-profit entities.

The Research Foundation will expend income and capital only for purposes adherent to the scientific, scholarly, and educational purpose of its mission, including, but not limited to, the sponsorship of research conducted by MTSU personnel and their

collaborators, and the development, protection, and exploitation of intellectual property arising from that research.

The Foundation will be governed by a volunteer Board of Directors, the number determined when the Bylaws are prepared, each serving a three-year renewable term. The Board will include a MTSU faculty nominated by Faculty Senate, and the balance of the members being at-large to ensure representation from among business, finance, technology, research, law, non-governmental organizations, and other fields as may benefit the operation of the Foundation. At least one at-large member may be an alumnus of the University. The Chairman of the Board must be an at-large member. The Board shall elect a Vice Chair (and Incoming Chair), a Treasurer, and a Secretary from among their members. The Board shall establish Foundation Bylaws and Policies.

The Board will hire a Research Foundation Executive Director (or President). With University approval and at a percent effort level to be determined, the University Vice-Provost for Research and Dean, College of Graduate Studies shall serve as interim Research Foundation Executive Director until such time that the Board deems it financially viable to hire a Research Foundation Executive Director. The Research Foundation Executive Director may hire clerical and professional staff as necessary and supported by Research Foundation budget. The Office of Research shall provide clerical support until such time that that hiring Research Foundation staff is financially viable. The Research Foundation may retain independent General Counsel with expertise in finance, contracts, and intellectual property as such time as financially viable.

The Research Foundation will initially rely on the MTSU Business Office for services in order to ensure that the Foundation prepares accurate and complete annual audited financial statements, annual IRS Form 990, files required reports and renewals to the State of Tennessee, and maintains accounting financial records in accordance with the *Generally Accepted Accounting Practices* and Government Accountability Office's *Government Auditing Standards*. In the future, at such time as the Research Foundation has accrued sufficient capital and/or assurance of recurring revenues to support operating costs, the Foundation will employ accounting staff. Research Foundation accounting will operate by way of a separate chart of accounts within the MTSU finance system. Financial and employee arrangements will be articulated in an Operating Agreement between the Research Foundation and MTSU when the Research Foundation bylaws are developed. Initial start-up costs for filings, incorporation, marketing, and associated professional services fees will be borne by the Office of Research using F&A recovery funds.

The Research Foundation will neither replace nor compete with the University's existing sponsored programs practices of pursuing, accepting and administering grants and contracts. The charitable structure of the Research Foundation will provide an alternative means - charitable contribution - by which private and public entities can support sponsored programs carried out by University personnel using

University resources. It is intended that the Research Foundation not compete for individual or corporate donors who already or may be inclined to support MTSU's many funding needs through the MTSU Foundation, but, rather to provide an opportunity for donors who specifically seek to support research at MTSU, either categorically or on a project-specific basis.

The Research Foundation will enter into project-specific research agreements with the University, as a pass-thru entity for the sponsor's funding, agreements under which expenses incurred by the University for such programs will be reimbursed by the Research Foundation. This will allow the University to capture the expenditures for the THEC Funding Formula and accreditation purposes.

The Research Foundation will be able to accept certain sponsor terms and conditions which state law prohibits the University from accepting. The Foundation will also be able to operate by a market-driven business model that can provide a more nimble means of collaboration with private entities.

The Research Foundation will assume all liability and decision-making (in cooperation with inventors) for intellectual property development, commercialization and protection, after the property matures out of the basic research phase. The University will assign rights to the Research Foundation such that ownership thereafter may be, by mutual agreement, shared among inventor(s), the University, and the Research Foundation; or inventor(s) and the Research Foundation. Any revenue generated by commercialization and licensing or sale of intellectual property shall be shared pursuant to an established distribution, e.g. 33% to each the inventor(s), the University, and the Research Foundation.

The operation of non-profit foundations as a means to capitalize research carried out by the personnel of institutions of higher education or members of business and industry clusters, and assume liability and decision-making for the development and transfer or marketing of intellectual property resulting from that research, is a prevalent and well-established practice in the United States.



Middle Tennessee State University Board of Trustees

Academic Affairs, Student Life, and Athletics Committee

Tuesday, February 27, 2018, 11:00 AM

Tab 6

Sale of Alcohol at Athletic Venues



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: [Sale of Alcohol at Athletic Venues](#)

DATE: February 27, 2018

PRESENTER: Chris Massaro

ACTION REQUIRED: None

BACKGROUND INFORMATION:

Senate Bill 2516/ House Bill 2011, if signed into law, will allow the sale of alcohol at MTSU sports facilities. Information to be provided will indicate that sale will be through a contracted third party vendor which will have the necessary licensing and staff training as required by law. Additional information will be provided concerning which venues are being considered and the location of sales, along with plans for educational substance abuse programming, and control measures that can be put in place to address concerns relating to the sale and consumption of alcohol.

Alcohol Sales - Peer Institutions

Campus stadiums

1. Akron
2. Arizona State
3. Arkansas State
4. Auburn- Concerts
5. Bowling Green
6. Cincinnati
7. Colorado State
8. Denver
9. Florida Atlantic
10. Florida International
11. Ga. Tech – Club Only
12. George Mason
13. Houston
14. Illinois
15. Kent State
16. Louisiana-Lafayette
17. Louisiana-Monroe
18. Louisville
19. Marshall
20. Minnesota
21. Nevada
22. New Mexico State
23. North Texas
24. Northern Illinois
25. Ohio State
26. Southern Methodist
27. Syracuse
28. Texas
29. Toledo
30. Troy

31. Tulane
32. UNLV
33. UTEP
34. Vanderbilt- Concerts
35. West Virginia
36. Western Kentucky

Off-campus stadiums

1. Connecticut
2. Georgia State
3. Hawaii
4. Massachusetts (3 games at Gillette Stadium)
5. Memphis
6. Miami
7. San Diego State
8. South Alabama
9. South Florida
10. Temple
11. Texas-San Antonio
12. UAB
13. UIC- Pavilion

References

- <http://college.usatoday.com/2014/08/22/alcohol-will-be-sold-during-college-football-games-at-these-32-stadiums/>
- <https://www.forbes.com/sites/kristidosh/2016/03/03/adding-alcohol-a-growing-trend-at-college-sporting-events/#c7ef12d2f900>