



Middle Tennessee State University Board of Trustees

Tuesday, December 5, 2017 – 1:00 p.m.

ORDER OF BUSINESS

Call to Order

Pledge of Allegiance

Roll Call

Chairman's Welcome and Opening Remarks

President's Opening Comments

Approval of the Minutes

Tab 1

- September 12, 2017 Regular Session Board Meeting

Committee Report and Action Items

- Academic Affairs, Student Life and Athletics Committee Meeting held on December 5, 2017 Tab 2
 - Rule Promulgation and Related Policy
 - Classification of Students
 - Policy 501 – Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes
 - Approval of Policy Revisions
 - Policy 205 – Promotion of Tenured and Tenurable Faculty
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 - Approval of New Academic Program
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 - Installment Payment Plan Rule
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- Severance of Procurement Services from TBR
- 2017 – 18 October Revised Budget
- Exploration of the option for acquiring outside legal counsel for the Trustees

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President’s Report

Special Recognition

Closing Remarks

Adjourn



Middle Tennessee State University
Board of Trustees

Tab 1

Approval of Minutes
September 12, 2017
Regular Session Board Meeting



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting

SUBJECT: [Minutes of September 12, 2017 Board Meeting](#)

DATE: December 5, 2017

PRESENTER: Chairman Stephen Smith

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

- September 12, 2017 Regular Session Board Meeting

MIDDLE TENNESSEE STATE UNIVERSITY

BOARD OF TRUSTEES

MINUTES

September 12, 2017

Call to Order and Pledge of Allegiance

The Middle Tennessee State University Board of Trustees met in regular session on Tuesday, September 12, 2017, on the Middle Tennessee State University campus. Chairman Steve Smith called the meeting to order at 1:00 p.m. (CDT) and requested that retired Lt. Gen. Keith Huber lead the Pledge of Allegiance.

Introduction of Student Veteran

Gen. Huber introduced student veteran Juan Davila and explained that Mr. Davila came to the United States from Costa Rica at the age of 17. He learned the English language, earned his G.E.D. and, in a period of six (6) months, earned thirty-two (32) college credits. He then joined the United States Marine Corps becoming a Staff Sergeant. He became a U.S. citizen at age 28. Mr. Davila served two (2) tours of duty in Iraq and left the Marine Corps after ten (10) years of service. Mr. Davila will graduate with a Computer Science degree in May 2018. Chairman Smith thanked Mr. Davila for his service.

Roll Call

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

Welcome and Opening Remarks

Chairman Smith welcomed all those present to the third meeting of the Board of Trustees, noting that a lot of progress has been made. Dr. Sidney A. McPhee, President, also welcomed those attending and specifically acknowledged the presence of Mr. Mike Krause, Director of the

Tennessee Higher Education Commission, and Dr. Lauren Collier, Director of Institution and Board Affairs.

Approval of the Minutes

Chairman Smith asked if there were any changes, revisions or deletions to the Minutes of the June 5, 2017 Board of Trustees meeting. None were offered. Trustee Freeman moved to approve the Minutes; Trustee DeLay seconded the motion. A voice vote on the motion to approve the Minutes of the June 5, 2017 Board meeting was taken and carried unanimously.

Committee Report: Academic Affairs, Student Life and Athletics Committee

Chairwoman Pamela Wright gave the report from the August 15, 2017 meeting of the Academic Affairs, Student Life and Athletics Committee. She stated that all matters on their agenda were for information and discussion. Materials from the meeting were provided to the Board in its meeting materials.

Nursing Program - Information

Dr. Terry Whiteside, Dean of the College of Behavioral and Health Sciences, and Dr. Jenny Sauls, Director of the School of Nursing, reported on the School of Nursing program which began in 1988. The National Council Licensure Examination is very significant and student scores are trending up. The Tennessee State Board of Nursing requires an 85% pass rate in order for the program to remain in good standing. MTSU students have a long history of success. In May of 2017, 100% of students who took the test passed. No expansion of the undergraduate program is recommended at this time. The School of Nursing is currently working on the transition of the Masters in Nursing from TN e-Campus to MTSU. Market demands for nurses and the cost of producing a nursing graduate were discussed with Dr. McPhee noting that while cost is significant and important, other factors must also be considered in assessing the value of academic offerings.

Fraternity and Sorority Life at MTSU - Information

Vice President Deb Sells and her staff provided a 30-year historical overview of fraternity and sorority life at MTSU. Dr. Sells explained that Greek life on college campuses have gone through significant changes and review due to legal implications. The University continues to find ways to balance supporting these organizations against the potential liability issues created by them. Education efforts continue concerning hazing and binge drinking. As part of a process to provide support and development for these organizations, the Office of Greek Life has developed an accreditation system to assist with being compliant with University policy. It was noted that MTSU continues to recognize the value that productive fraternity and sorority organizations brings to the campus community.

New Academic Programs Under Consideration - Information

Interim Provost Mark Byrnes indicated that four (4) new academic degrees are under consideration: B.S. in Tourism and Hospitality Management; M.S. in Teaching English as a Second Language; M.S. in Physician Assistant Studies; and, B.S. in Media and Entertainment. Dr. Peter Cunningham, Vice Provost for Academic Programs, was introduced to the Committee. Dr. Byrnes stated that Dr. Cunningham will be responsible for working with the faculty, department chairs and deans regarding new academic degrees and program review. In response to questions, Dr. Byrnes stated that the University regularly engages in assessing low producing programs and that they work closely with THEC in addressing concerns regarding these programs.

Student Applicant Criminal Background Checks - Information

Dr. Sells stated that the issue of adding a question about criminal background checks to the admissions application is still being researched. She will report findings prior to the next committee meeting.

Committee Report: Finance and Personnel Committee

Chairman Joey Jacobs provided the report for the Finance and Personnel Committee and stated that this Committee met on August 15, 2017 and again, telephonically, on August 30, 2017. Materials from the August 15 and August 30, 2017 meetings were provided to the Board in its meeting

materials. The Committee reports contained informational items and five (5) recommendations to be voted on by the Board.

August 15, 2017 Meeting

MTSU Foundation - Information

Mr. Joe Bales, Vice President for University Advancement, gave a presentation on the background and history of the University Foundation, and the status of current fundraising activities.

Submittal Process for Capital Outlay and Capital Maintenance Projects for Funding - Information

Mr. Alan Thomas, Vice President for Business and Finance, provided information concerning the submittal process for capital outlay and capital maintenance projects for funding. Ms. Patti Miller, Assistant Vice President for Campus Planning, explained policies governing the Tennessee Higher Education Commission's role in working with the Locally Governed Institutions (LGI) on capital investment and real estate transactions. Capital outlay, capital maintenance and disclosure projects are submitted to THEC for approval in the annual Capital Budget Request. Ms. Miller explained the submittal process for each category of projects.

Academic Classroom Building Submittal to THEC - Recommendation

Ms. Miller presented a recommendation to submit the Academic Classroom Building to THEC for FY 2018-19 capital outlay funding. She explained the building was originally accepted as a Tennessee Board of Regents priority outlay project in June 2012 and moved to a #3 TBR priority on the 2016 capital list, placing it in line to receive full project funding in FY 2017-18. MTSU received State Building Commission (SBC) approval for the project in June of 2016 for full planning and use of local match funding to complete the project design. Since the project was not selected for 2017-18 capital funding and due to the passage of the FOCUS Act, the project must be resubmitted to THEC for approval.

Submittal of Seven Projects to THEC for 2018-19 Capital Maintenance Funding - Recommendation

Mr. Joe Whitefield, Assistant Vice President for Facilities, presented information on the process for identifying capital maintenance projects, along with documentation to be submitted to THEC for approval.

Approval of Request for Severance of Capital Project Management Services from TBR – Recommendation

Mr. Thomas explained that under the FOCUS Act, THEC has the authority to approve or deny an LGI's request to assume capital project management duties beginning December 1, 2017. He presented the recommendation for MTSU to request approval of an official severance date of July 1, 2018. Ms. Miller presented information concerning the criteria established by THEC for obtaining approval to sever. She further explained that MTSU was already performing a large part of the capital project management duties, but that more staff would be needed to handle the additional procurement and accounting responsibilities.

August 30, 2017 Meeting

Permanent Appointment of the Provost - Recommendation

Chairman Jacobs reported that Dr. McPhee provided a summary of qualifications of Dr. Mark Byrnes in support of his recommendation that Dr. Byrnes be appointed provost. These included: Dr. Byrnes' years of service to MTSU; his being a native resident of Tennessee; his academic teaching and scholarship; and, his job performance to date as Interim Provost. Chairman Jacobs congratulated Dr. Byrnes on this recommendation and mentioned that he hoped Dr. Byrnes would consider teaching a class or two as he understood that students enjoyed having Dr. Byrnes as a professor.

Mechatronics Engineering Building Submittal to THEC - Recommendation

Mr. Thomas provided a brief introduction on this project and explained that with the passing of the FOCUS Act and changes in the way THEC ranks capital projects, the Committee's approval was required. Ms. Miller discussed the details of the capital project which included: the relocation of 30 faculty offices; chiller plant expansion; newly constructed labs and classrooms equipped with advanced technology; a plan for projected student enrollment growth in the Mechatronics and Engineering programs; and, integration of the new Mechatronics Engineering Building with the Math

and Sciences corridors of campus. The cost of the project is \$54,000,000 of which \$45,000,000 will be funded by the State and \$9,000,000 provided from matched gift funds. The building construction costs were inflated through year 2020 at a rate of 3.5% annually to accommodate for inflation.

Motion by the Board to Approve Recommendations

Trustee Freeman made the motion to approve the recommendations made by the Finance and Personnel Committee. Trustee Baker seconded the motion. The motion to approve the recommendations made by the Finance and Personnel Committee carried by unanimous voice vote.

Committee Report: Audit and Compliance Committee

Chairwoman Chris Karbowski gave the report of the Audit and Compliance Committee which met on September 12, 2017. Materials from the meeting were provided to the Board in its meeting materials. The report included two (2) recommendations to be voted on by the Board.

Revisions to Audit Committee Charter - Recommendation

Chairwoman Karbowski stated that revisions were made to comply with the Comptroller's Guidelines for Audit Committee Charters. The Charter was also revised to reflect the change in title of the Director of Audit and Consulting Services to Chief Audit Executive.

Results from State Audit Reports for the Past 15 Years – Information

In the past fifteen (15) years, there have been four (4) audit findings. One finding in 2009 pertained to foundation accounting and the other three (3) findings pertained to information technology internal control weaknesses considered confidential under T.C.A. §10-7-504(i). Management implemented corrective action and there were no repeat audit findings.

2017 Annual Report for Audit and Consulting Services – Information

T.C.A. §49-14-102, Board Bylaws and Board Policy on Committees require a comprehensive report on the internal audit function to include the status of the 2017 annual audit plan noting the audits completed, in progress and scheduled but not completed. The report also includes an update on fraud awareness efforts and investigations along with the financial resources for Audit and Consulting Services. The 2017 report was submitted to the Audit and Compliance Committee for review.

Compliance and Enterprise Risk Management – Information

Ms. Gene' Stephens, Assistant Vice President for Compliance and Enterprise Risk Management, provided a comprehensive report on compliance and enterprise risk management at MTSU. Included in her presentation were overviews of some of the tools and resources used by this office which was recently established in January 2017.

Risk Assessment Reporting Submittal – Recommendation

T.C.A. §9-18-104 of the Financial Integrity Act requires institutions of higher education to prepare and provide a management assessment of risk to the State of Tennessee's Commissioner of Finance and Administration, and to the Comptroller of the Treasury by December 31 each year. The Audit and Compliance Committee is responsible for the oversight and monitoring of internal controls, compliance, and risk management functions of the University; therefore, the risk assessment reports are presented to the Committee for approval prior to the reports being submitted to the State, as required by law. The Committee went into executive session to discuss the non-public results of the risk assessment for the Information Technology Division and the President's Office.

Motion by the Board to Approve Recommendations

Trustee Jacobs made the motion to approve the recommendations made by the Audit and Compliance Committee. Trustee Johnson seconded the motion. The motion to approve the recommendations made by the Audit and Compliance Committee carried by unanimous voice vote.

Approval of the Audit and Compliance Committee Members and Chair

Chairman Smith stated that based on the revised provisions of the Charter of the Audit and Compliance Committee, the Board must consider and approve the members and the chair of the Audit and Compliance Committee.

Motion by the Board Regarding the Members and Chair of the Audit and Compliance Committee

Trustee DeLay made the motion to approve the members and the chair of the Audit and Compliance Committee. The motion was seconded by Trustee Jacobs. A voice vote was taken and the motion to approve the members and the chair of the Audit and Compliance Committee passed unanimously.

Committee Report: Executive and Governance Committee

Board Vice Chairman Darrell Freeman gave the report of the Executive and Governance Committee which met on September 12, 2017. Materials from the meeting were provided to the Board in its meeting materials. The report included four (4) recommendations to be voted on by the Board.

Board Policy Professional Development – Recommendation

T.C.A. § 49-8-201(f)(7)(A) and (B)(iii)(C) specify that board of trustees members participate in orientation programs, continuing education and professional development. The Board of Trustees must adopt a policy that facilitates these programs.

Board Policy Selection, Evaluation and Retention of the President – Recommendation

T.C.A. § 49-8-203(a)(1)(A) and Section 2.1.2 of the MTSU Board of Trustees Bylaws authorize the Board of Trustees to select, employ and assess the performance of the chief executive officer of the institution, the president. The proposed policy provides the processes to be followed for each of these duties.

President’s Salary Package - Deferred

Action on this matter was deferred.

Directors and Officers Insurance – Information

Ms. Zimmerman explained to the Committee that members of the Board of Trustees have the same immunity as state employees in that trustees are absolutely immune from liability for acts or omissions occurring within the scope of their official duties. Actions deemed to be taken within the scope of official duties include, but are not limited to, actions taken pursuant to the statutes, policies or procedures of the State of Tennessee, or when the officer or employee had reason to believe that he/she acted pursuant to such. Staff recommended that this additional insurance coverage was not needed and that no further action be taken. This recommendation was accepted.

Institutional Mission Statement – Recommendation

MTSU has a clearly defined mission statement approved by THEC in May 2017, which is aligned with the THEC Master Plan for Postsecondary Education, 2015-2025, and the THEC Strategic Planning cycle. The THEC planning cycle drives MTSU's strategic planning processes, the achievement of its longer term goals and its internal institutional effectiveness processes which are directly linked to the University's mission. Because the institution is now subject to the authority of the Middle Tennessee State University Board of Trustees, the Board must approve the Institutional Mission Statement.

Delegation of Limited Authority to Board Secretary to Make Technical Changes in Policies and Rules – Recommendation

Policies and rules often need technical revisions such as correcting typographical errors, changing position titles, or updating references or links. By delegating authority to the Board Secretary to make these revisions, the Board will not be required to review and approve them prior to the revisions being made.

Motion by the Board to Approve Recommendations

Trustee Jacobs made the motion to approve the recommendations made by the Executive and Governance Committee. The motion was seconded by Trustee Karbowskiak. A voice vote was taken and the motion to approve the recommendations of the Executive and Governance Committee passed unanimously.

President's Report

Dr. McPhee provided an update of important activities and accomplishments that have occurred since the last Board meeting. He stated that a new academic institute will be established this fall as a result of a very generous gift. The institute will allow students to follow in the academic footsteps of the late MTSU graduate and Nobel Laureate, James Buchanan, by exploring the impact of public policy on the economy. The Political Economy Research Institute is a joint venture between the Jennings A. Jones College of Business and the University Honors College, funded with a \$3.5 million four-year start up gift from the Charles Koch Foundation. The management of this new institute will be controlled by the deans of the two colleges who will be responsible for employing the center's personnel and addressing all operational issues.

On September 11, 2017, a mutual law enforcement assistance agreement was entered between the City of Murfreesboro and MTSU. The agreement allows ongoing assistance between the two entities regarding police patrolling and crime prevention programming.

In an enrollment update for the 2017-18 academic year, Dr. McPhee stated that the preliminary report looked very promising. The freshman class is up 3.84%; new transfers are up 4.82% and overall, new undergraduates are up just over 4%. New graduate students are up 7.64%. Dual enrollments are up 54.35%. The overall headcount has stabilized with just a 0.69% decrease from last year's headcount. Dr. McPhee noted that beginning this year, the institution will see the impact of Tennessee Promise students transferring from the community colleges to universities. He stated that the top four transfer feeder institutions are Motlow State with 1,615 students; Nashville State with 915 students; Columbia State with 830 students; and, Volunteer State with 817 students. Dr. McPhee emphasized that this year's entering freshman class was of the highest quality in the University's history with an average high school GPA of 3.60 and an average ACT score is 22.26. Both of these are record highs with the ACT score being above the national average of 21.0 and the state average of 19.8. The best and brightest are being attracted to MTSU.

Mr. Mike Krause, THEC Director, was introduced to provide information about the outcomes-based funding formula and its impact on institutional funding. Mr. Steven Gentile, Chief Fiscal Officer at THEC, joined Mr. Krause for this presentation. It was explained that the formula shifted from being enrollment-based to being outcome-based and focused on completion. It was noted that there are numerous outcome components and that a three-year rolling average is used. Each institution has the ability to assign weight to outcomes that are of more importance to it. Mr. Gentile provided information concerning how each of the nine public universities in Tennessee set the weight of the components. Dr. McPhee added context when making these comparisons with the other universities in that due to the Geier lawsuit, MTSU – unlike its TBR peers – was unable to add graduate level programs for many years. Graduate programs generate research and research grants. Not having been able to grow this sector, along with a state grant valued at around \$20 million having been pulled several years ago, has resulted in decreased formula funding over the years for MTSU. Additionally, teachers ceased pursuing master's and certificate programs when those incentives were removed through legislation. Mr. Gentile indicated that MTSU is a leader in getting students across

the completion finish line and that this can be attributable to its investment in funds to produce graduates. The formula also includes premiums for such populations as low-income and adult students.

Special Recognition of Coach Rick Insell

Chairman Smith asked Coach Insell to come forward to be recognized for his many achievements including induction into the Women's Basketball Hall of Fame and the Blue Raider Hall of Fame. It was noted that 100% of his players graduate. A letter of recognition was provided to Coach Insell.

Closing Remarks

Dr. McPhee thanked the trustees for the tremendous work they are doing for the University in helping to move it forward. He noted that the presentation by Mr. Krause and his staff provided important information showing what our challenges are, where we are and where we need to go. He pledged to continue sharing information that is needed in order to make good decisions.

Dr. McPhee commended the teamwork of the University staff, as well as students from the College of Media and Entertainment who produce the live streaming, in putting the Board of Trustee meeting together.

Chairman Smith thanked the Board members and recognized the amount of work done prior to the Board meeting.

The meeting adjourned at 2:25 p.m. (CDT).

Respectfully submitted,



Heidi Zimmerman, Board Secretary



Middle Tennessee State University
Board of Trustees

Tab 2

Academic Affairs, Student Life and
Athletics Committee Meeting
December 5, 2017



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

Tuesday, December 5, 2017, 10:30 AM

Tab 2

Rule Promulgation and Related Policy
Classification of Students Rule



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: [Classification of Students Rule
University Policy 501 Classifying
Students In-State and Out-of-State for
Paying University Fees and Tuition and
for Admission Purposes](#)

DATE: December 5, 2017

PRESENTER: Heidi Zimmerman

ACTION REQUIRED: Roll Call Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

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

Revisions are proposed to the corresponding policy, Policy 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes, to be consistent with the proposed rule.

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-01
Classification of Students

New

Table of Contents is added to Chapter 0240-07-01 Classification of Students and shall read as follows:

Table of Contents

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

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

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

- (1) Students and applicants with a domicile in the state of Tennessee are to be classified in-state for fee and tuition purposes and for admission purposes. Domicile is defined for these rules as a person's true, fixed, and permanent home and place of habitation; it is the place where he/she intends to remain, and to which he/she expects to return when he/she leaves MTSU without intending to establish a new domicile elsewhere.
 - (a) Persons eligible to establish domicile include U.S. citizens; valid/unexpired permanent residents; asylees/refugees; and those with certain visa types, including A1 – A3; E1, E2; G1 – G5; H1B, H4; I; K1 – K4; L1, L1a, L1b, L2; NATO 1 – NATO 7; O1, O3 (dependents of O1 only); P1 – P4; R1, R2; T1 – T4; and V.
 - (b) Persons not eligible to establish domicile include persons who have not met requirements of the Eligibility Verification for Entitlement Act (EVEA); undocumented persons, regardless of length of residence in Tennessee; persons on Deferred Action (DACA/Dream Act), and those with certain visa types, including B1, B2; C1 – C3; D1; F1, F2; H1C, H2A, H2B, H3; J1, J2; M1, M2; N; O2, O3 (dependents of O2); Q1 – Q3; S5 – S7; TC, TN, TD; and U1 – U5.
- (2) Absence from Tennessee for short periods of time will not affect the establishment of a residence.
- (3) Students and applicants not having domicile in Tennessee shall be classified out-of-state.
- (4) The domicile of an unemancipated person is that of his/her parent, except as provided in paragraph (5) below. Students who are unemancipated must submit parent, legal guardian, or foster parent documentation in lieu of their own. An emancipated person is someone who has attained the age of eighteen (18) years, and whose parents have entirely legally surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed emancipated person.
- (5) Unemancipated students of divorced parents shall be classified in-state when one (1) parent, regardless of custodial status, is domiciled in Tennessee.
- (6) An unemancipated student is classified in-state for fee and tuition purposes if the student is a citizen of the U.S. and has resided in Tennessee for at least one (1) year immediately prior to admission and meets one (1) of the following:
 - (a) Graduated from a Tennessee public secondary school;
 - (b) Graduated from a private secondary school that is located in Tennessee; or

(c) Earned a Tennessee high school equivalency diploma.

- (7) The spouse of a student classified as in-state will also be classified as in-state.
- (8) Regular full-time employees, their spouses and children shall be classified as in-state students for purposes of fees and tuition when enrolled in courses at any Tennessee Board of Regents (TBR) institution or Locally Governed Institution (LGI).
- (9) Graduate assistants shall be classified as in-state for purposes of fees and tuition at the institutions where they are pursuing graduate studies as graduate assistants.
- (10) Continuous enrollment at MTSU is defined as enrollment in at least one (1) course in successive Fall or Spring terms during the student's enrollment.

Authority: T.C.A. § 49-8-104.

0240-07-01-.02 Out-of-State Students who are not Required to Pay Out-of-State Tuition is added to Chapter 0240-07-01 Classification of Students and shall read as follows:

0240-07-01-.02 Out-of-State Students who are not Required to Pay Out-of-State Tuition

- (1) An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU. The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU, if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- (2) An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders. The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU, if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- (3) Part-time students who are not domiciled in Tennessee but who are employed full-time in Tennessee, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall also apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- (4) Military personnel and their spouses stationed in the state of Tennessee who would be classified out-of-state in accordance with other provisions of these rules will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- (5) Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- (6) Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and

permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.

- (7) Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.
- (8) Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.
- (9) A veteran enrolled at MTSU will not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:
 - (a) Has not been dishonorably discharged from a branch of the U.S. armed forces or the National Guard;
 - (b) Is eligible for Post 9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - (c) Enrolls at MTSU after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.
 - (d) To continue to qualify for in-state tuition and fees, a veteran must:
 1. Maintain continuous enrollment at MTSU; and
 2. Demonstrate objective evidence of established residency in this state by presenting at least two (2) of the following:
 - (i) Proof of voter registration in Tennessee;
 - (ii) Tennessee driver's license;
 - (iii) Tennessee motor vehicle registration;
 - (iv) Proof of established employment in Tennessee; or
 - (v) Other documentation clearly evidencing domicile or residence in Tennessee, as determined by the Tennessee Higher Education Commission.
- (10) Presumption. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in Tennessee while enrolled as a full-time student at any public or private higher education institution in Tennessee.
- (11) Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in Tennessee, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence including, but not limited to, proof of residence and/or property ownership within Tennessee; military orders assigning the person to Tennessee; proof of full-time employment within Tennessee; proof of receiving a Tennessee state benefit including, but not limited to, TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for fee purposes at another public Tennessee higher education institution; etc.

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

0240-07-01-.03 Appeal Procedure is added to Chapter 0240-07-01 Classification of Students and shall read as follows:

0240-07-01-.03 Appeal Procedure

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

Authority: T.C.A. § 49-8-104.

0240-07-01-.04 Effective Date for Reclassification is added to Chapter 0240-07-01 Classification of Students and shall read as follows:

0240-07-01-.04 Effective Date for Reclassification

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

Authority: T.C.A. § 49-8-104.

0240-07-01-.05 Regional Scholars is added to Chapter 0240-07-01 Classification of Students and shall read as follows:

0240-07-01-.05 Regional Scholars

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

Authority: T.C.A. § 49-8-104.



501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes

Approved by Board of Trustees

Effective Date: _____, 2017

Responsible Division: Student Affairs

Responsible Office: Enrollment Services

Responsible Officer: AVP Enrollment Services

I. Purpose

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

II. Rules for Determination of Status

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

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

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

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

without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.

- B. An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders. The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU, if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- C. Part-time students who are not domiciled in this State but who are employed full-time in the State, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- D. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.
- E. Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- F. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.

- G. Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.
- H. Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.
- I. A veteran enrolled at MTSU will not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:
 - 1. Has not been dishonorably discharged from a branch of the U.S. armed forces or the National Guard;
 - 2. Is eligible for Post 9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - 3. Enrolls at MTSU after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.

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

- a. Maintain continuous enrollment at MTSU; and
 - b. Demonstrate objective evidence of established residency in this state by presenting at least two (2) of the following:
 - (1) Proof of voter registration in the state;
 - (2) Tennessee driver's license;
 - (3) Tennessee motor vehicle registration;
 - (4) Proof of established employment in the state; or
 - (5) Other documentation clearly evidencing domicile or residence in the state, as determined by the Tennessee Higher Education Commission.
- J. Presumption. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while

enrolled as a full-time student at any public or private higher education institution in this State.

- K. Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in this state, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence such as proof of residence and/or property ownership within the state; military orders assigning the person to Tennessee; proof of full-time employment within the state; proof of receiving a state benefit such as TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for fee purposes at another public Tennessee higher education institution; etc.

II. Appeal Procedure

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

- A. Individuals who are initially classified as out-of-state for purposes of fee payment by personnel in the Admissions Office, the Graduate Office, or the Office of International Programs and Services, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.
 - 1. Documentation submitted by the individual will be reviewed by the appropriate staff. The individual will be notified of any change in status or other action taken on his/her application. If the individual has an MTSU email account, he/she will be notified through this account. Otherwise, the individual will be notified using the information provided on the application. Notice to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
 - 2. In the event that the individual's application for in-state residency is denied, the individual will be advised to contact the Assistant Vice President for Student Affairs or designee to initiate an appeal of the classification.
- B. The Assistant Vice President for Student Affairs or designee will, upon request of the individual and receipt of any additional information required for full consideration, convene the Student Appeals Committee. A representative of the office of original classification in each individual case shall serve as a consultant to the Student Appeals Committee and, upon request, shall provide the basis for the original decision and any other relevant information.

- C. The Student Appeals Committee shall hear such evidence members regard as relevant to a proper review of the individual's residency status and will make a recommendation to the Vice President for Student Affairs either denying the appeal or recommending that the individual be re-classified as in-state for purposes of fee payment.
- D. The Vice President for Student Affairs will approve, reject, or modify the recommendation of the Student Appeals Committee. Notification to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
- E. The decision of the Vice President for Student Affairs will be final in matters of appeal with regard to residency status for purposes of fee payment.

III. Effective Date for Reclassification

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

IV. Regional Scholars

- A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within a specified radius of the MTSU campus as determined by the Board of Trustees and published on the Regional Scholars website and who meet specific academic requirements to attend MTSU at a reduced rate.
- B. Though still classified as out-of-state, students who qualify will receive:
 - 1. A reduced tuition as determined by the University in accordance with approved guidelines.
 - 2. Automatic consideration for the MTSU Freshman Academic Merit Scholarships.

Forms: none.

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

References: Tennessee Higher Education Commission Chapter 1540-1-1 Regulations for Classifying Persons as Tennessee Residents for the Purpose of Participating in Tennessee Higher

Education Commission Programs Authority; Eligibility Verification for Entitlement Act; Deferred Action (DACA/Dream Act); T.C.A. §§ 49-4-704, 49-7-164;

501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes

Approved by Board of Trustees

Effective Date: June 5, 2017

Responsible Division: Student Affairs

Responsible Office: Enrollment Services

Responsible Officer: AVP Enrollment Services

I. Purpose

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

II. Rules for Determination of Status

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

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

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

- A. An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU. [The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU if the student transfers from the community college](#)

without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.

- B. An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders. The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU, if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- C. Part-time students who are not domiciled in this State but who are employed full-time in the State, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- D. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.
- E. Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- F. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.

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

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

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

1. Has not been dishonorably discharged from a branch of the U.S. armed forces or the National Guard;
2. Is eligible for Post 9/11 GI Bill benefits or Montgomery GI Bill benefits; and
3. Enrolls at MTSU after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.

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

- a. Maintain continuous enrollment at MTSU; and
- b. Demonstrate objective evidence of established residency in this state by presenting at least two (2) of the following:

(1) Proof of voter registration in the state;

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

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

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

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

J. Presumption. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while

enrolled as a full-time student at any public or private higher education institution in this State.

- K. Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in this state, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence such as proof of residence and/or property ownership within the state; military orders assigning the person to Tennessee; proof of full-time employment within the state; proof of receiving a state benefit such as TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for fee purposes at another public Tennessee higher education institution; etc.

II. Appeal Procedure

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

- A. Individuals~~Students~~ who are initially classified as out-of-state for purposes of fee payment by personnel in the Addmissions Office, the graduate eOffice, or the eOffice of International Programs and Services, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.
1. Documentation submitted by the student~~individual~~ will be reviewed by the appropriate staff. The individual~~student~~ will be notified of any change in status or other action taken on his/her application. If the individual has an MTSU email account, he/she will be notified through this account. Otherwise, the individual will be notified using the information provided on the application. Notice to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
 2. In the event that the individual~~student~~'s application for in-state residency is denied, the individual~~student~~ will be advised to contact the Assistant Vice President for Student Affairs or designee to initiate an appeal of the classification.
- B. The Assistant Vice President for Student Affairs or designee will, upon request of the individual~~student~~ and receipt of any additional information required for full consideration, convene the Student Appeals Committee. A representative of the office of original classification in each individual case shall serve as a consultant to the Student Appeals Committee and, upon request, shall provide the basis for the original decision and any other relevant information.

- C. The Student Appeals Committee shall hear such evidence members regard as relevant to a proper review of the individual student's residency status and will make a recommendation to the Vice President for Student Affairs either denying the appeal or recommending that the individual student be re-classified as in-state for purposes of fee payment.
- D. The Vice President for Student Affairs will approve, reject, or modify the recommendation of the Student Appeals Committee. ~~In any event, the student will be notified of the Vice President's decision in a timely manner.~~ Notification to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
- E. The decision of the Vice President for Student Affairs will be final in matters of appeal with regard to residency status for purposes of fee payment.

III. Effective Date for Reclassification

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

IV. Regional Scholars

- A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within approximately two hundred fifty (250) miles and a specified radius of the MTSU campus as determined by the Board of Trustees and published on the Regional Scholars website and who meet specific academic requirements to attend MTSU at a reduced rate.
- B. Though still classified as out-of-state, students who qualify will receive:
 - 1. A reduced tuition as determined by the University in accordance with approved guidelines.
 - 2. Automatic consideration for the MTSU Freshman Academic Merit Scholarships.

Forms: none.

Revisions: ~~none~~ [June 5, 2017 \(original\)](#); _____, 2017.

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



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: [University Policy 205: Promotion of
Tenured and Tenurable Faculty](#)

DATE: December 5, 2017

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

This Committee approved University Policy 205: Promotion of Tenured and Tenurable Faculty on May 15, 2017, as part of a group of Academic and Student Affairs policies revised due to MTSU's change in governance. The Provost has discovered inconsistencies pertaining to "Exceptions to Minimum Rank Qualifications" in the Promotion (205), Tenure (204), and Faculty Definition, Roles, Responsibilities, and Appointment Types (202) policies.

Policies 202 and 204 allow the Provost to approve exceptions to the minimum rank qualifications. This request is to make Policy 205 consistent with those policies.

The attached redline version of the Promotion of Tenured and Tenurable Faculty (205) policy reflects this change.



205 Promotion of Tenured and Tenurable Faculty

Approved by Board of Trustees

Effective Date: _____, 2017

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: University Provost

I. Purpose

This policy establishes criteria and procedures for academic promotion at Middle Tennessee State University (MTSU or University). It is intended to help ensure that promotions are made objectively, equitably, impartially, and as recognition of merit.

II. Applicability

This policy relates only to promotion of MTSU faculty who are tenurable or tenured. Promotion of faculty who hold one of the ranks within the Instructor position is found in [Policy 202 Faculty Definition, Roles, Responsibilities, and Appointment Types](#).

III. Definitions

The following are general definitions of words and terms used in this policy that are not hereinafter specifically defined; however, the words and terms are subject to further qualification and definition in the subsequent sections of this policy or those of colleges and departments.

- A. **Teaching.** Teaching includes strategies by which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, and development of course materials, courseware, and innovative approaches to instruction.
- B. **Research/Scholarship/Creative Activity.** Research/scholarship/creative activity encompasses the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge and is disseminated to an appropriate audience. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, creative activities (i.e., film-making, performances,

or other artistic creations), research in teaching and learning, and seeking grants to support such activities.

C. **Service.** Service encompasses a faculty member's activities in three (3) areas: University service, professional service, and public service.

1. University service refers to work other than teaching and research/scholarship/creative activity done at the department, college, and/or University level. Participation in University service is expected of every faculty member. University service includes, but is not limited to, participation on department, college and University committees. Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, advisor to a University-wide student organization, and/or membership on a University search committee.
2. Professional service refers to the work done for organizations germane to one's discipline or to the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, journal editorships, articles and grant proposal review, guest lecturing on other campuses, and other appropriate activities. While it is difficult to define the exact nature of significant professional service, clearly more is required than organizational membership and attendance; examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.
3. Public service is the University's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Public service primarily involves sharing professional expertise and should directly support the goals and mission of the University.

IV. Consideration for Promotion

A. The listed criteria represent minimum standards set by MTSU. College and/or department policies relating to the promotion process must meet the criteria as specified herein, but may exceed and be more specific than the minimum standards required by the University.-All college and department policies will be reviewed for consistency with MTSU policies by the Provost and approved by the President. Approved college and department policies will be made available online.

B. **Promotion in Rank**

1. Promotion in rank is recognition of past achievements of the candidate. In addition, the advancement in rank is recognition of future potential and a sign of confidence that the individual is capable of even greater accomplishments and of assuming

greater responsibilities. Promotions are to be made strictly on consideration of merit tempered by University and fiscal considerations.

2. Tenure and promotion are not formally linked, but typically promotion to associate professor comes with tenure, and granting of tenure comes with promotion to associate professor.
3. The President is responsible for the master staffing plan of the University. In developing such a plan, the President will consider the fiscal impact of each promotion recommended to the Board of Trustees (Board); i.e., resources allocated and distributed within the University.

C. Promotion Process

1. Procedures for Promotion Recommendations

a. General Guidelines

- (1) Consideration for promotion originates in the department or academic program unit to which the faculty has been assigned. Faculty members are responsible for initiating the promotion process by written notification to the department chair/director by the deadlines specified in the promotion calendar. Candidates for promotion are also responsible for submitting to the Department Chair/Director the [Outline of Faculty Data form](#) and such pertinent supporting materials as are called for in Section IV.B.
- (2) Administrators and committees involved in the review process (department committee, Department Chair/Director, college committee, Dean, and Provost) shall only submit those materials, forms, letters, and other documentation required by the review process outlined below. This includes letters of recommendation which should specify the performance criteria used and explain how the candidate has or has not met those criteria.
- (3) No material can be added to the Outline of Faculty Data or supporting materials once the department and/or academic program unit review process has formally begun. It is important that all participants in the review process have access to the same set of materials.
- (4) Members of department and college tenure and promotion review committees shall not make individual recommendations concerning candidates to administrators or committees in the review process outside committee procedures.

- (5) [Policy 816 Nepotism](#) prohibiting nepotism will apply to all levels of the promotion process.
 - (6) The candidate for promotion may withdraw from the review process at any level without prejudice. Withdrawal from the process does not preclude the candidate from reapplying.
- b. Department and/or Academic Program Unit Review
- (1) The review process for promotion recommendations at the department and/or academic program unit level consists of separate considerations by the department chair/director and a department tenure and promotion review committee. Departments and/or academic program units may establish a single committee for both tenure and promotion review, or if deemed desirable and necessary, departments and/or academic program units may create two peer review committees (a tenure and promotion review committee and a tenure review committee) as outlined in department policies, subject to approval by the Provost and President.
 - (2) Department Promotion Review Committee. Each department and/or academic program unit will develop written policies that cover the structure, annual election of committee members, and operating procedures of the department tenure and promotion review committee. A copy of these policies will be available to faculty members in the offices of their Department Chair/Director and Dean. At a minimum, these policies will include the following:
 - (a) Committee members must be tenured;
 - (b) All full-time tenured and tenure-track faculty members in the department and/or academic program unit are entitled to a vote on the committee membership;
 - (c) Temporary faculty are not entitled to vote on committee membership;
 - (d) Candidates for promotion and the Department Chair/Director cannot be members;
 - (e) A committee chair/director will be elected by the members of the committee; and
 - (f) Whether there will be academic rank requirements for committee membership.

In situations where the staffing procedures described in the department policy cannot be implemented (for example, in the case of an inadequate number of tenured faculty or of specified academic rank), an alternate committee composition may be proposed subject to approval of the Provost, appropriate Dean, and Faculty Senate president prior to review of the candidate application(s).

- (3) Review Process. The Department Chair/Director, after examining all materials submitted by each candidate for promotion, then forwards the materials to the department tenure and promotion review committee. The department tenure and promotion review committee will separately consider each candidate's qualifications for promotion on such department, college, and university criteria as have been approved. After consideration, the committee will consult with the Department Chair/Director. If the recommendations of the department chair/director and committee are in concert, separate reports will be filed by the Department Chair/Director and by the committee to the appropriate dean. If the recommendations of the Department Chair/Director and committee are in conflict, they will meet in an attempt to resolve the conflict prior to submitting written recommendations to the appropriate dean. If the conflicts cannot be resolved, reports submitted to the dean by the committee and by the Department Chair/Director will each describe the points of conflict.
- (4) When deliberations are concluded, the Department Chair/Director and the committee will separately notify each promotion candidate of the recommendation that has been forwarded to the appropriate dean. Each candidate will be afforded the opportunity to meet with the Department Chair/Director and/or the department tenure and promotion review committee to discuss the review process and the data upon which the decision was made. It is the candidate's responsibility to initiate requests for a meeting with the Department Chair/Director and/or department committee chair.
- (5) In the case of departments or academic program units not affiliated with an academic college, the department tenure and promotion review committee will forward recommendations directly to the vice provost, who will serve as Dean for the purposes of the review process. When conflicting recommendations result between the Dean/Vice Provost and the department tenure and promotion review committee, they will meet in an attempt to resolve conflicts before forwarding recommendations to the provost.

c. College Review

- (1) The review process for promotion recommendations at the college level consists of separate and independent considerations by the Dean and a college promotion and tenure review committee.
- (2) College Promotion Review Committee. Each academic college will develop written policies that cover the structure, election of members to terms of three (3) years and the operating procedures for the college tenure and promotion review committee. A copy of these policies will be available to faculty members in the offices of their Department Chair/Director and Dean. At a minimum, these policies will include the following:
 - (a) Colleges with six (6) or more departments will elect one (1) faculty member from each department to the committee; colleges with five (5) or fewer will elect two (2) faculty members from each department to the committee. (To provide for committee rotation, those tenured faculty elected to serve on the first college tenure and promotion review committee will draw numbers to determine whether they serve for periods of one [1], two [2], or three [3] years; one-third [1/3] of the members will rotate off the committee each year.)
 - (b) Committee members must be tenured;
 - (c) All full-time tenured and tenure-track faculty members in the department and/or academic program unit are entitled to a vote to elect their representative(s);
 - (d) Temporary faculty are not entitled to vote on committee membership;
 - (e) Candidates for promotion and department chair/directors cannot be members. In the event that an elected committee member initiates the promotion process during his/her three (3)-year term, the department will elect a replacement;
 - (f) A committee chair/director will be elected annually by the members of the committee; and
 - (g) Colleges need to determine whether there will be rank requirements for those faculty members serving on the committee.

In situations where the staffing procedures described in the college policy cannot be implemented (for example, in the case of an inadequate number of tenured faculty or of a specified academic rank in a department), an alternate committee composition may be proposed subject to approval of the Provost, appropriate

Dean, and Faculty Senate president prior to review of the candidate application(s).

Each college Dean will provide the Faculty Senate president with the names of those elected to the college promotion and tenure review committee according to the timetable specified in the promotion calendar. The faculty senate president, in consultation with the Faculty Senate Steering Committee, may in turn appoint up to two (2) additional faculty members to each college promotion and tenure review committee to ensure diversity, which will provide for representation that reflects the make-up of the University.

(3) Review Process. Upon receipt of recommendations and other materials from the Department Chair/Director and department tenure and promotion review committee, the college Dean then forwards the materials to the college tenure and promotion review committee. The college committee is responsible for consideration of each candidate's qualifications using approved department, college and university criteria; and reviewing the promotion recommendations of the department committees and Department Chair/Director for each candidate. Deans are responsible for consideration of each candidate's qualifications using approved department, college and University criteria; and reviewing the recommendations of Department Chairs/Directors and department committees for each candidate. After consideration the committee will consult with the college Dean. If the recommendations of the Dean and committee are in concert, the committee will forward all materials submitted, along with their own recommendations, to the appropriate Dean. If the recommendations of the college Dean and committee are in conflict, they will meet in an attempt to resolve the conflict prior to submitting formal recommendations. If the conflicts cannot be resolved, reports submitted by the committee to the Dean will describe the points of conflict. Deans will forward all materials submitted, along with their own recommendations, to the Provost.

(4) When deliberations are concluded, the academic Dean and the college tenure and promotion review committee will notify each candidate considered for promotion of their recommendations. Each candidate will be afforded the opportunity to meet with the Dean and/or the college committee to discuss the review process and the data upon which the decision was made. It is the candidate's responsibility to initiate requests for a meeting with the Dean and/or college committee.

d. Provost's Review

(1) The Provost will review all recommendations and materials sent forward on promotion and forward his/her recommendations to the President. The

Provost is responsible for consideration of each candidate's qualifications using approved department, college and university criteria; and reviewing the recommendations of Department Chair/Director, department tenure and promotion review committee, college promotion committee, and Dean for each candidate. The Provost will forward all materials submitted, along with his/her own recommendations, to the President.

- (2) On the same date a decision is forwarded to the President, the Provost will notify each person considered, along with the appropriate Dean and Department Chair/Director, of his/her decision. The Provost will afford each person considered an opportunity to meet and discuss the review process and the data upon which the decision was made. It is the candidate's responsibility to initiate any request to review the process and data upon which the decision was made.

e. President's Review

The President is responsible for consideration of each candidate's qualifications using approved department, college and University criteria; and reviewing the recommendations of Department Chair/Director, department tenure and promotion review committee, college promotion committee, and dean, and Provost for each candidate. The President will prepare a list of faculty recommended for promotion and submit it to the Board. The President will notify candidates, Department Chairs/Directors, Deans, and the Provost of his/her recommendations. When notified of Board action, the President will inform the parties concerned of the Board's decisions. If a candidate appeals, the President will ~~not~~ notify the individual of a promotion recommendation after the appeal process is completed.

f. Appeals

The appeals process for official review by members of the Faculty Appeals Committee and others is outlined in [Policy 206 Tenure and Promotion Appeals Process](#). The appeal process should commence after the Provost has rendered his/her decision and notified the candidate of the decision.

2. Calendar of the Review Process. Each Spring semester, the Office of the Provost will issue a calendar for the promotion review process for the upcoming academic year, which will include key dates at each major step in the process.
3. Qualified Privilege of Academic Confidentiality for Promotion Review Committees
 - a. Peers and other faculty members serving on committees that make evaluations are expected to observe the highest appropriate standards of confidentiality

concerning deliberations. Tenure and promotion review committees have qualified privilege of academic confidentiality against disclosure of individual promotion votes unless there is evidence that casts doubt upon the integrity of the committee. This policy will be interpreted in a manner consistent with the Tennessee Public Records Act, as recorded in T.C.A. § 10-7-101 et seq.

- b. In general, no such privilege is recognized for proceedings outside of the University. The records created during the promotion process are subject to disclosure pursuant to T.C.A. § 10-7-503 et seq., and information regarding the process may be sought by subpoena or court order.

D. Minimum Eligibility Requirements for Consideration in Initial Appointment and Promotion

1. Initial appointment in academic rank is based on specific criteria and expectations as outlined in the following. Promotion in rank at any level is not simply a reward for length of service, but rather is recognition of fulfillment of higher expectations and more specific criteria at each academic rank.
2. In general, each academic rank requires an advanced degree in the academic discipline. Where the degree is from a related area, the department chair/director and dean must approve the degree as being related to the academic discipline and forward such recommendation to the Provost. Upon receipt of these recommendations, the Provost will determine whether the degree is appropriate to the teaching field, normally at the time of initial appointment of the faculty member.
3. When a faculty member's initial appointment begins in January, service for that semester will be counted toward promotion as one whole academic or fiscal year.

E. General Criteria for Initial Appointment and Promotion in Rank. The following are the minimum criteria that distinguish between academic ranks. See Section VI. below for Exceptions to Minimum Academic Rank Criteria.

1. Assistant Professor
 - a. Earned doctorate or terminal degree from an accredited institution in the academic discipline or related area.
 - b. Evidence of potential ability in teaching if initially appointed at this rank or documented ability if promoted into this rank.
 - c. Evidence of potential ability in research/scholarship/creative activity and service.
 - d. Evidence of professional integrity.

2. Associate Professor

- a. Earned doctorate or terminal degree from an accredited institution in the academic discipline or related area.
 - b. Six (6) years of full-time collegiate experience in the academic discipline or related area as an assistant professor. Thus, a typical candidate is eligible to apply for promotion to associate professor at the beginning of his/her sixth (6th) year.
 - c. Evidence of high quality professional performance in teaching.
 - d. Evidence of continuing direct participation in research/scholarship/creative activity and in service.
 - e. Evidence of high quality professional productivity in either research/scholarship/creative activity or service and quality professional productivity in the other area.
 - f. Evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.
3. Professor. Since there is no higher rank, promotion to professor will be considered with great care and requires a level of superior achievement within the discipline with every expectation of continuing contribution to the University and larger academic community.

- a. Earned doctorate or terminal degree from an accredited institution in the academic discipline or related area.
- b. Four years of full-time collegiate experience in the academic discipline or related area as an associate professor. Thus, a typical candidate is eligible to apply for promotion to professor at the beginning of his/her fourth year as an associate professor.
- c. Evidence of sustained excellence in teaching.
- d. Evidence of sustained high quality professional productivity in both research/scholarship/creative activity and in service. In one of these categories, the candidate will demonstrate a level of excellence in the academic discipline that is recognized at the national level. National recognition must be defined in department policies with approval at the college level.

- e. Evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.

V. Criteria to be Considered in Promotion Recommendations

A. General Promotion Criteria

1. While the nature and relative importance of the criteria for recommendation for promotion depend upon the nature, missions and goals of the college and the department or academic program unit, all faculty members considered for promotion will be evaluated with respect to their performance in teaching; research/scholarship/creative activity; and service. All candidates for promotion are expected to demonstrate high quality performance in teaching. (See Section V.C.) In the remaining two (2) categories of evaluation, expectations for promotion to academic rank are described in Sections V.D. and E. In all categories of evaluation, documentation of quality as evaluated by peers will be stressed over quantity. Within the context of teaching, research/scholarship/creative activity, and service, the faculty member must demonstrate a willingness and ability to work effectively with colleagues to support the mission of the University and the common goals both of the University and of the academic organizational unit.
2. The academic units of the University must develop written policies with specific criteria for evaluating the faculty in teaching, research/scholarship/creative activity, and service. College and/or department policies relating to the promotion process must meet the criteria as specified herein, but may exceed and be more specific than the minimum standards required by the University. National recognition must be defined in department policies with approval at the college level. College and department policies will be available to faculty members in the offices of their Department Chair/Director and Dean.
3. College and department policies should use the following general criteria as minimum requirements.
 - a. evidence of high quality professional experience and performance in teaching;
 - b. evidence of continuing direct participation in scholarship through research and/or creative activity;
 - c. evidence of continuing direct participation in university service, professional service and/or public service germane to their discipline;

- d. evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.

B. Outline of Faculty Data and Supporting Materials

Candidates for promotion will submit a completed [Outline of Faculty Data form](#). Candidates will also submit an orderly file of supporting materials (reprints, letters of support, creative works, etc.). A list of these supporting materials will be attached to the Outline of Faculty Data form. However, the supporting materials themselves will be stored in the department. Administrators and committees involved in the review process may ask to review any or all of these supporting materials at their discretion. Departments and/or colleges may require additional specific supplemental documentation as outlined in department and/or college policies, subject to approval by the Provost and President.

C. Teaching

1. Overview. All faculty members are expected to demonstrate high quality performance in teaching. Teaching applies to any strategy in which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, development of course materials and courseware, and development of innovative approaches to instruction. Effective teaching is an essential qualification for promotion, and promotion should not be granted in the absence of clear evidence of a candidate's teaching ability and potential for continued development.
2. Performance Criteria. All faculty members are expected to demonstrate high quality performance in teaching. Although academic units of the University may assign varying degrees of significance to individual criteria, all faculty members will be evaluated with respect to each of the following criteria for teaching.
 - a. Performance in teaching of students as evaluated by students and peers;
 - b. Performance in the advisement and mentoring of students, if applicable;
 - c. Improvement of their own courses and also the curricular offerings of the department, college and University;
 - d. Effectiveness in teaching methods (including efforts to improve pedagogy with new techniques and integration of new instructional technologies);

- e. Supervision of specialized instructional activities (student research/scholarship/creative activity, thesis and dissertation direction, experiential learning, service learning, internships, student teaching, etc.);
- f. Honors received and recognition for teaching;
- g. Currency and continued intellectual development in the field of specialization;
- h. Seeking internal and external funding for instructional activities. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding;
- i. Contributions to teaching (for example, textbooks, articles, workshops, presentations, instructional technology resources, etc.) could be appropriate here or under research/scholarship/creative activity depending on the nature of the work.

3. Documentation

- a. Supporting materials as described in Section IV.B. will, at a minimum, include a statement of teaching philosophy, course materials, evidence of student projects and other forms of student mentorship, and evidence of evaluation by faculty peers.
- b. Student evaluations for each course section evaluated since initial appointment or most recent promotion will be added to the candidate's supporting materials by the Department Chair/Director.
- c. Other supporting material may include, but will not be limited to grant proposals, additional student input, results of alumni surveys and/or student exit interviews, textbooks or educational articles, and innovative contributions to teaching, if published or presented in a peer-reviewed forum.

D. Research/Scholarship/Creative Activity

- 1. Overview. All faculty members are expected to demonstrate quality research, scholarship, and/or creative activity. Candidates for promotion must present evidence of their research, scholarship and/or creative activity when they apply for promotion. Research/scholarship/creative activity applies to the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of

knowledge, field-based scholarship, and creative activities (i.e., film-making, performances, or other artistic creations).

2. Performance Criteria.

Although academic units of the University may assign varying degrees of weight to each criterion, all faculty members will be evaluated with respect to each of the following criteria:

- a. Direct participation in research, scholarship, and/or creative activity. Faculty collaboration with undergraduate and/or graduate students may be included here;
- b. Thorough and systematic study of the research, scholarship, and/or creative activity of others; and
- c. Seeking internal and external funding for research, scholarship, and/or creative activity. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding.

3. Documentation

- a. The Outline of Faculty Data and supporting materials as described in Section IV. B. must include evidence of peer-review of some elements of the candidate's research/scholarship/creative activity. If the candidate chooses, the Outline of Faculty Data may also include external peer review of scholarship and research.
- b. Other supporting materials may include, but will not be limited to, the following:
 - (1) Publications (articles, monographs, books, electronic media, and other published works). Publications that are subject to a formal review process by recognized scholars in the field are considered more significant than those subject to less rigorous examination;
 - (2) Written reviews and evaluations of performances, compositions, and other creative activities by qualified peers, either in person or aided by other forms of reports, are considered appropriate documentation;
 - (3) Published programs or reviews of public performance or public display will constitute documentation of original creative work;
 - (4) Presentations before one's professional peers at regional, national, or international meetings/conferences;

- (5) Appropriate textbooks, educational articles, and/or instructional technology resources and innovative contributions to teaching, if published or presented in a peer-reviewed forum, constitute scholarship of teaching.
- (6) The scholarship of teaching is a valid measure of research capability;
- (7) Funded internal grants from the University or external grants from public or private sources;
- (8) Unfunded proposals for internal and external grants, where the documentation supports the quality of the proposal.

E. Service

1. Overview. As a vital component of the University's mission, service must be performed at the same level of quality that characterizes the teaching and research/scholarship/creative activity programs. Service encompasses a faculty member's activities in three (3) areas: University service, professional service, and public service.
 - a. University service refers to work other than teaching and research/scholarship/creative activity done at the department, college, and/or University level. Participation in University service is expected of every faculty member. University service includes, but is not limited to, participation on department, college and University committees. Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, advisor to a University-wide student organization, and/or membership on a university search committee. Service includes, but is not limited to, activities that contribute to the recruitment, retention, progression, graduation, and post-graduation career placement of students.
 - b. Professional service refers to the work done for organizations germane to one's discipline or to the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, journal editorships, articles and grant proposal review, guest lecturing on other campuses, and other appropriate activities. While it is difficult to define the exact nature of significant professional service, clearly more is required than organizational membership and attendance; examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.
 - c. Public service is the University's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of

problems with which society is confronted. Public service primarily involves sharing professional expertise and should directly support the goals and mission of the University.

2. Performance Criteria

Participation in University service is expected of every faculty member. Although it is recognized that differences in emphases may exist, evaluation of service will be based on an appraisal of the candidate's performance in the three (3) areas defined above: University service, professional service, and public service. Evaluation will be based on the following criteria, with the academic unit of the University to which the faculty member is assigned determining the degree of weight for each criterion. These criteria should include community service programs, public service consultation,; University committee and administrative responsibilities, and active contributions to professional associations. In each case, documentation of the evaluation process and criteria used will be as complete as possible.

3. Documentation

- a. The Outline of Faculty Data and supporting materials as described in Section IV.B. must include evidence of the candidate's service.
- b. Other supporting materials may include, but will not be limited to, the following:
 - (1) A description of the candidate's service that permits evaluation of performance. This should include a statement of the mission or purpose of the activities, and of the objective(s) of the candidate's service unit, as well as the specific assigned tasks and responsibilities of the candidate.
 - (2) An evaluation of the candidate's effectiveness, as judged by his/her impact on individuals, groups, or organizations served. This should include indices of the success of his/her service, in terms of improvement of communities, programs, operating agencies, production processes, or management practices. The evaluations should also include indications of satisfaction with the service provided by the candidate, and of the magnitude and complexity of his/her work (as opposed to perfunctory activity that does not lead to useful results).
 - (3) An appraisal of the candidate's local, regional and national stature. Although the achievement of national stature is sometimes difficult for service faculty whose activities are primarily directed to groups within the state, the faculty member should take advantage of every opportunity to project his/her accomplishments among peers on a local, regional, and national basis. Service work is sometimes not publishable. The results may be in the form of

direct consultations, planning reports, or instructional time directed largely to the recipients of university service programs. Certain aspects of service work may be suitable for publication in professional journals. For example, unique techniques developed to motivate clients, or new approaches to the transfer and application of knowledge, would be of interest to peers in other service programs across the nation.

- (4) Evidence of applications seeking internal and external funding for service activities; funded grants from MTSU, public agencies, or private foundations; submitted proposals for external funding by public agencies or private foundations. The quality of the grant proposals, whether funded or unfunded, will be stressed in the evaluation.

VI. Exceptions to Minimum Academic Rank Criteria

To ensure the development of a faculty of the highest caliber and to ensure access to appropriate rank for all members of the faculty, justifiable exceptions to these criteria may be recommended.

Exceptions to the minimum rank qualifications established by this policy can be approved by the Provost; however, such exceptions are not favored and should be granted only upon a showing of a candidate's exceptional merit and/or other extraordinary circumstances, such as an objective need to deviate from these minimum qualifications in filling positions and/or retaining otherwise qualified faculty within certain academic disciplines. This determination will be made at the time of hire.

Petitions for exceptions to promotion criteria may include consideration of the appropriateness of the degree, extraordinary qualities that the candidate may possess, and/or equivalent work experience credit.

The Department Chair/Director, Dean, and faculty are responsible for evaluating a candidate's professional experience and record of accomplishments and recommending consideration for an exception to the Provost.

VII. Terminal Degree Designation

The University will use national discipline standards to determine which degrees are considered to be terminal within each discipline. The University may also award equivalent work experience credit when a candidate has not obtained a terminal degree, but has a record of extraordinary achievement in a germane field.

Forms:

[Outline of Faculty Data](#)

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

References: Policies 202 Faculty Definition, Roles, Responsibilities, and Appointment Types; 206 Tenure and Promotion Appeals; 816 Nepotism; T.C.A. § 10-7-101; 10-7-503; Tennessee Public Records Act.



205 Promotion of Tenured and Tenurable Faculty

Approved by Board of Trustees

Effective Date: _____, 2017

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: University Provost

Deleted: June 5

I. Purpose

This policy establishes criteria and procedures for academic promotion at Middle Tennessee State University (MTSU or University). It is intended to help ensure that promotions are made objectively, equitably, impartially, and as recognition of merit.

II. Applicability

This policy relates only to promotion of MTSU faculty who are tenurable or tenured. Promotion of faculty who hold one of the ranks within the Instructor position is found in [Policy 202 Faculty Definition, Roles, Responsibilities, and Appointment Types](#).

III. Definitions

The following are general definitions of words and terms used in this policy that are not hereinafter specifically defined; however, the words and terms are subject to further qualification and definition in the subsequent sections of this policy or those of colleges and departments.

- A. Teaching. Teaching includes strategies by which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, and development of course materials, courseware, and innovative approaches to instruction.
- B. Research/Scholarship/Creative Activity. Research/scholarship/creative activity encompasses the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge and is disseminated to an appropriate audience. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, creative activities (i.e., film-making, performances,

or other artistic creations), research in teaching and learning, and seeking grants to support such activities.

C. Service. Service encompasses a faculty member's activities in three (3) areas: University service, professional service, and public service.

1. University service refers to work other than teaching and research/scholarship/creative activity done at the department, college, and/or University level. Participation in University service is expected of every faculty member. University service includes, but is not limited to, participation on department, college and University committees. Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, advisor to a University-wide student organization, and/or membership on a University search committee.
2. Professional service refers to the work done for organizations germane to one's discipline or to the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, journal editorships, articles and grant proposal review, guest lecturing on other campuses, and other appropriate activities. While it is difficult to define the exact nature of significant professional service, clearly more is required than organizational membership and attendance; examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.
3. Public service is the University's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Public service primarily involves sharing professional expertise and should directly support the goals and mission of the University.

IV. Consideration for Promotion

- A. The listed criteria represent minimum standards set by MTSU. College and/or department policies relating to the promotion process must meet the criteria as specified herein, but may exceed and be more specific than the minimum standards required by the University.-All college and department policies will be reviewed for consistency with MTSU policies by the Provost and approved by the President. Approved college and department policies will be made available online.
- B. Promotion in Rank
 1. Promotion in rank is recognition of past achievements of the candidate. In addition, the advancement in rank is recognition of future potential and a sign of confidence that the individual is capable of even greater accomplishments and of assuming

greater responsibilities. Promotions are to be made strictly on consideration of merit tempered by University and fiscal considerations.

2. Tenure and promotion are not formally linked, but typically promotion to associate professor comes with tenure, and granting of tenure comes with promotion to associate professor.
3. The President is responsible for the master staffing plan of the University. In developing such a plan, the President will consider the fiscal impact of each promotion recommended to the Board of Trustees (Board); i.e., resources allocated and distributed within the University.

C. Promotion Process

1. Procedures for Promotion Recommendations

a. General Guidelines

- (1) Consideration for promotion originates in the department or academic program unit to which the faculty has been assigned. Faculty members are responsible for initiating the promotion process by written notification to the department chair/director by the deadlines specified in the promotion calendar. Candidates for promotion are also responsible for submitting to the Department Chair/Director the [Outline of Faculty Data form](#) and such pertinent supporting materials as are called for in Section IV.B.
- (2) Administrators and committees involved in the review process (department committee, Department Chair/Director, college committee, Dean, and Provost) shall only submit those materials, forms, letters, and other documentation required by the review process outlined below. This includes letters of recommendation which should specify the performance criteria used and explain how the candidate has or has not met those criteria.
- (3) No material can be added to the Outline of Faculty Data or supporting materials once the department and/or academic program unit review process has formally begun. It is important that all participants in the review process have access to the same set of materials.
- (4) Members of department and college tenure and promotion review committees shall not make individual recommendations concerning candidates to administrators or committees in the review process outside committee procedures.

- (5) [Policy 816 Nepotism](#) prohibiting nepotism will apply to all levels of the promotion process.
- (6) The candidate for promotion may withdraw from the review process at any level without prejudice. Withdrawal from the process does not preclude the candidate from reapplying.

b. Department and/or Academic Program Unit Review

- (1) The review process for promotion recommendations at the department and/or academic program unit level consists of separate considerations by the department chair/director and a department tenure and promotion review committee. Departments and/or academic program units may establish a single committee for both tenure and promotion review, or if deemed desirable and necessary, departments and/or academic program units may create two peer review committees (a tenure and promotion review committee and a tenure review committee) as outlined in department policies, subject to approval by the Provost and President.
- (2) Department Promotion Review Committee. Each department and/or academic program unit will develop written policies that cover the structure, annual election of committee members, and operating procedures of the department tenure and promotion review committee. A copy of these policies will be available to faculty members in the offices of their Department Chair/Director and Dean. At a minimum, these policies will include the following:
 - (a) Committee members must be tenured;
 - (b) All full-time tenured and tenure-track faculty members in the department and/or academic program unit are entitled to a vote on the committee membership;
 - (c) Temporary faculty are not entitled to vote on committee membership;
 - (d) Candidates for promotion and the Department Chair/Director cannot be members;
 - (e) A committee chair/director will be elected by the members of the committee; and
 - (f) Whether there will be academic rank requirements for committee membership.

In situations where the staffing procedures described in the department policy cannot be implemented (for example, in the case of an inadequate number of tenured faculty or of specified academic rank), an alternate committee composition may be proposed subject to approval of the Provost, appropriate Dean, and Faculty Senate president prior to review of the candidate application(s).

- (3) Review Process. The Department Chair/Director, after examining all materials submitted by each candidate for promotion, then forwards the materials to the department tenure and promotion review committee. The department tenure and promotion review committee will separately consider each candidate's qualifications for promotion on such department, college, and university criteria as have been approved. After consideration, the committee will consult with the Department Chair/Director. If the recommendations of the department chair/director and committee are in concert, separate reports will be filed by the Department Chair/Director and by the committee to the appropriate dean. If the recommendations of the Department Chair/Director and committee are in conflict, they will meet in an attempt to resolve the conflict prior to submitting written recommendations to the appropriate dean. If the conflicts cannot be resolved, reports submitted to the dean by the committee and by the Department Chair/Director will each describe the points of conflict.
- (4) When deliberations are concluded, the Department Chair/Director and the committee will separately notify each promotion candidate of the recommendation that has been forwarded to the appropriate dean. Each candidate will be afforded the opportunity to meet with the Department Chair/Director and/or the department tenure and promotion review committee to discuss the review process and the data upon which the decision was made. It is the candidate's responsibility to initiate requests for a meeting with the Department Chair/Director and/or department committee chair.
- (5) In the case of departments or academic program units not affiliated with an academic college, the department tenure and promotion review committee will forward recommendations directly to the vice provost, who will serve as Dean for the purposes of the review process. When conflicting recommendations result between the Dean/Vice Provost and the department tenure and promotion review committee, they will meet in an attempt to resolve conflicts before forwarding recommendations to the provost.

c. College Review

- (1) The review process for promotion recommendations at the college level consists of separate and independent considerations by the Dean and a college promotion and tenure review committee.
- (2) College Promotion Review Committee. Each academic college will develop written policies that cover the structure, election of members to terms of three (3) years and the operating procedures for the college tenure and promotion review committee. A copy of these policies will be available to faculty members in the offices of their Department Chair/Director and Dean. At a minimum, these policies will include the following:
 - (a) Colleges with six (6) or more departments will elect one (1) faculty member from each department to the committee; colleges with five (5) or fewer will elect two (2) faculty members from each department to the committee. (To provide for committee rotation, those tenured faculty elected to serve on the first college tenure and promotion review committee will draw numbers to determine whether they serve for periods of one [1], two [2], or three [3] years; one-third [1/3] of the members will rotate off the committee each year.)
 - (b) Committee members must be tenured;
 - (c) All full-time tenured and tenure-track faculty members in the department and/or academic program unit are entitled to a vote to elect their representative(s);
 - (d) Temporary faculty are not entitled to vote on committee membership;
 - (e) Candidates for promotion and department chair/directors cannot be members. In the event that an elected committee member initiates the promotion process during his/her three (3)-year term, the department will elect a replacement;
 - (f) A committee chair/director will be elected annually by the members of the committee; and
 - (g) Colleges need to determine whether there will be rank requirements for those faculty members serving on the committee.

In situations where the staffing procedures described in the college policy cannot be implemented (for example, in the case of an inadequate number of tenured faculty or of a specified academic rank in a department), an alternate committee composition may be proposed subject to approval of the Provost, appropriate

Dean, and Faculty Senate president prior to review of the candidate application(s).

Each college Dean will provide the Faculty Senate president with the names of those elected to the college promotion and tenure review committee according to the timetable specified in the promotion calendar. The faculty senate president, in consultation with the Faculty Senate Steering Committee, may in turn appoint up to two (2) additional faculty members to each college promotion and tenure review committee to ensure diversity, which will provide for representation that reflects the make-up of the University.

- (3) Review Process. Upon receipt of recommendations and other materials from the Department Chair/Director and department tenure and promotion review committee, the college Dean then forwards the materials to the college tenure and promotion review committee. The college committee is responsible for consideration of each candidate's qualifications using approved department, college and university criteria; and reviewing the promotion recommendations of the department committees and Department Chair/Director for each candidate. Deans are responsible for consideration of each candidate's qualifications using approved department, college and University criteria; and reviewing the recommendations of Department Chairs/Directors and department committees for each candidate. After consideration the committee will consult with the college Dean. If the recommendations of the Dean and committee are in concert, the committee will forward all materials submitted, along with their own recommendations, to the appropriate Dean. If the recommendations of the college Dean and committee are in conflict, they will meet in an attempt to resolve the conflict prior to submitting formal recommendations. If the conflicts cannot be resolved, reports submitted by the committee to the Dean will describe the points of conflict. Deans will forward all materials submitted, along with their own recommendations, to the Provost.
- (4) When deliberations are concluded, the academic Dean and the college tenure and promotion review committee will notify each candidate considered for promotion of their recommendations. Each candidate will be afforded the opportunity to meet with the Dean and/or the college committee to discuss the review process and the data upon which the decision was made. It is the candidate's responsibility to initiate requests for a meeting with the Dean and/or college committee.

d. Provost's Review

- (1) The Provost will review all recommendations and materials sent forward on promotion and forward his/her recommendations to the President. The

Provost is responsible for consideration of each candidate's qualifications using approved department, college and university criteria; and reviewing the recommendations of Department Chair/Director, department tenure and promotion review committee, college promotion committee, and Dean for each candidate. The Provost will forward all materials submitted, along with his/her own recommendations, to the President.

- (2) On the same date a decision is forwarded to the President, the Provost will notify each person considered, along with the appropriate Dean and Department Chair/Director, of his/her decision. The Provost will afford each person considered an opportunity to meet and discuss the review process and the data upon which the decision was made. It is the candidate's responsibility to initiate any request to review the process and data upon which the decision was made.

e. President's Review

The President is responsible for consideration of each candidate's qualifications using approved department, college and University criteria; and reviewing the recommendations of Department Chair/Director, department tenure and promotion review committee, college promotion committee, and dean, and Provost for each candidate. The President will prepare a list of faculty recommended for promotion and submit it to the Board. The President will notify candidates, Department Chairs/Directors, Deans, and the Provost of his/her recommendations. When notified of Board action, the President will inform the parties concerned of the Board's decisions. If a candidate appeals, the President will ~~not~~ notify the individual of a promotion recommendation after the appeal process is completed.

f. Appeals

The appeals process for official review by members of the Faculty Appeals Committee and others is outlined in [Policy 206 Tenure and Promotion Appeals Process](#). The appeal process should commence after the Provost has rendered his/her decision and notified the candidate of the decision.

2. Calendar of the Review Process. Each Spring semester, the Office of the Provost will issue a calendar for the promotion review process for the upcoming academic year, which will include key dates at each major step in the process.
3. Qualified Privilege of Academic Confidentiality for Promotion Review Committees
 - a. Peers and other faculty members serving on committees that make evaluations are expected to observe the highest appropriate standards of confidentiality

concerning deliberations. Tenure and promotion review committees have qualified privilege of academic confidentiality against disclosure of individual promotion votes unless there is evidence that casts doubt upon the integrity of the committee. This policy will be interpreted in a manner consistent with the Tennessee Public Records Act, as recorded in T.C.A. § 10-7-101 et seq.

- b. In general, no such privilege is recognized for proceedings outside of the University. The records created during the promotion process are subject to disclosure pursuant to T.C.A. § 10-7-503 et seq., and information regarding the process may be sought by subpoena or court order.

D. Minimum Eligibility Requirements for Consideration in Initial Appointment and Promotion

1. Initial appointment in academic rank is based on specific criteria and expectations as outlined in the following. Promotion in rank at any level is not simply a reward for length of service, but rather is recognition of fulfillment of higher expectations and more specific criteria at each academic rank.
2. In general, each academic rank requires an advanced degree in the academic discipline. Where the degree is from a related area, the department chair/director and dean must approve the degree as being related to the academic discipline and forward such recommendation to the Provost. Upon receipt of these recommendations, the Provost will determine whether the degree is appropriate to the teaching field, normally at the time of initial appointment of the faculty member.
3. When a faculty member's initial appointment begins in January, service for that semester will be counted toward promotion as one whole academic or fiscal year.

E. General Criteria for Initial Appointment and Promotion in Rank. The following are the minimum criteria that distinguish between academic ranks. See Section VI. below for Exceptions to Minimum Academic Rank Criteria.

1. Assistant Professor

- a. Earned doctorate or terminal degree from an accredited institution in the academic discipline or related area.
- b. Evidence of potential ability in teaching if initially appointed at this rank or documented ability if promoted into this rank.
- c. Evidence of potential ability in research/scholarship/creative activity and service.
- d. Evidence of professional integrity.

2. Associate Professor

- a. Earned doctorate or terminal degree from an accredited institution in the academic discipline or related area.
- b. Six (6) years of full-time collegiate experience in the academic discipline or related area as an assistant professor. Thus, a typical candidate is eligible to apply for promotion to associate professor at the beginning of his/her sixth (6th) year.
- c. Evidence of high quality professional performance in teaching.
- d. Evidence of continuing direct participation in research/scholarship/creative activity and in service.
- e. Evidence of high quality professional productivity in either research/scholarship/creative activity or service and quality professional productivity in the other area.
- f. Evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.

3. Professor. Since there is no higher rank, promotion to professor will be considered with great care and requires a level of superior achievement within the discipline with every expectation of continuing contribution to the University and larger academic community.

- a. Earned doctorate or terminal degree from an accredited institution in the academic discipline or related area.
- b. Four years of full-time collegiate experience in the academic discipline or related area as an associate professor. Thus, a typical candidate is eligible to apply for promotion to professor at the beginning of his/her fourth year as an associate professor.
- c. Evidence of sustained excellence in teaching.
- d. Evidence of sustained high quality professional productivity in both research/scholarship/creative activity and in service. In one of these categories, the candidate will demonstrate a level of excellence in the academic discipline that is recognized at the national level. National recognition must be defined in department policies with approval at the college level.

- e. Evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.

V. Criteria to be Considered in Promotion Recommendations

A. General Promotion Criteria

1. While the nature and relative importance of the criteria for recommendation for promotion depend upon the nature, missions and goals of the college and the department or academic program unit, all faculty members considered for promotion will be evaluated with respect to their performance in teaching; research/scholarship/creative activity; and service. All candidates for promotion are expected to demonstrate high quality performance in teaching. (See Section V.C.) In the remaining two (2) categories of evaluation, expectations for promotion to academic rank are described in Sections V.D. and E. In all categories of evaluation, documentation of quality as evaluated by peers will be stressed over quantity. Within the context of teaching, research/scholarship/creative activity, and service, the faculty member must demonstrate a willingness and ability to work effectively with colleagues to support the mission of the University and the common goals both of the University and of the academic organizational unit.
2. The academic units of the University must develop written policies with specific criteria for evaluating the faculty in teaching, research/scholarship/creative activity, and service. College and/or department policies relating to the promotion process must meet the criteria as specified herein, but may exceed and be more specific than the minimum standards required by the University. National recognition must be defined in department policies with approval at the college level. College and department policies will be available to faculty members in the offices of their Department Chair/Director and Dean.
3. College and department policies should use the following general criteria as minimum requirements.
 - a. evidence of high quality professional experience and performance in teaching;
 - b. evidence of continuing direct participation in scholarship through research and/or creative activity;
 - c. evidence of continuing direct participation in university service, professional service and/or public service germane to their discipline;

- d. evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.

B. Outline of Faculty Data and Supporting Materials

Candidates for promotion will submit a completed [Outline of Faculty Data form](#). Candidates will also submit an orderly file of supporting materials (reprints, letters of support, creative works, etc.). A list of these supporting materials will be attached to the Outline of Faculty Data form. However, the supporting materials themselves will be stored in the department. Administrators and committees involved in the review process may ask to review any or all of these supporting materials at their discretion. Departments and/or colleges may require additional specific supplemental documentation as outlined in department and/or college policies, subject to approval by the Provost and President.

C. Teaching

1. Overview. All faculty members are expected to demonstrate high quality performance in teaching. Teaching applies to any strategy in which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, development of course materials and courseware, and development of innovative approaches to instruction. Effective teaching is an essential qualification for promotion, and promotion should not be granted in the absence of clear evidence of a candidate's teaching ability and potential for continued development.
2. Performance Criteria. All faculty members are expected to demonstrate high quality performance in teaching. Although academic units of the University may assign varying degrees of significance to individual criteria, all faculty members will be evaluated with respect to each of the following criteria for teaching.
 - a. Performance in teaching of students as evaluated by students and peers;
 - b. Performance in the advisement and mentoring of students, if applicable;
 - c. Improvement of their own courses and also the curricular offerings of the department, college and University;
 - d. Effectiveness in teaching methods (including efforts to improve pedagogy with new techniques and integration of new instructional technologies);

- e. Supervision of specialized instructional activities (student research/scholarship/creative activity, thesis and dissertation direction, experiential learning, service learning, internships, student teaching, etc.);
- f. Honors received and recognition for teaching;
- g. Currency and continued intellectual development in the field of specialization;
- h. Seeking internal and external funding for instructional activities. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding;
- i. Contributions to teaching (for example, textbooks, articles, workshops, presentations, instructional technology resources, etc.) could be appropriate here or under research/scholarship/creative activity depending on the nature of the work.

3. Documentation

- a. Supporting materials as described in Section IV.B. will, at a minimum, include a statement of teaching philosophy, course materials, evidence of student projects and other forms of student mentorship, and evidence of evaluation by faculty peers.
- b. Student evaluations for each course section evaluated since initial appointment or most recent promotion will be added to the candidate's supporting materials by the Department Chair/Director.
- c. Other supporting material may include, but will not be limited to grant proposals, additional student input, results of alumni surveys and/or student exit interviews, textbooks or educational articles, and innovative contributions to teaching, if published or presented in a peer-reviewed forum.

D. Research/Scholarship/Creative Activity

- 1. Overview. All faculty members are expected to demonstrate quality research, scholarship, and/or creative activity. Candidates for promotion must present evidence of their research, scholarship and/or creative activity when they apply for promotion. Research/scholarship/creative activity applies to the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of

knowledge, field-based scholarship, and creative activities (i.e., film-making, performances, or other artistic creations).

2. Performance Criteria.

Although academic units of the University may assign varying degrees of weight to each criterion, all faculty members will be evaluated with respect to each of the following criteria:

- a. Direct participation in research, scholarship, and/or creative activity. Faculty collaboration with undergraduate and/or graduate students may be included here;
- b. Thorough and systematic study of the research, scholarship, and/or creative activity of others; and
- c. Seeking internal and external funding for research, scholarship, and/or creative activity. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding.

3. Documentation

- a. The Outline of Faculty Data and supporting materials as described in Section IV. B. must include evidence of peer-review of some elements of the candidate's research/scholarship/creative activity. If the candidate chooses, the Outline of Faculty Data may also include external peer review of scholarship and research.
- b. Other supporting materials may include, but will not be limited to, the following:
 - (1) Publications (articles, monographs, books, electronic media, and other published works). Publications that are subject to a formal review process by recognized scholars in the field are considered more significant than those subject to less rigorous examination;
 - (2) Written reviews and evaluations of performances, compositions, and other creative activities by qualified peers, either in person or aided by other forms of reports, are considered appropriate documentation;
 - (3) Published programs or reviews of public performance or public display will constitute documentation of original creative work;
 - (4) Presentations before one's professional peers at regional, national, or international meetings/conferences;

- (5) Appropriate textbooks, educational articles, and/or instructional technology resources and innovative contributions to teaching, if published or presented in a peer-reviewed forum, constitute scholarship of teaching.
- (6) The scholarship of teaching is a valid measure of research capability;
- (7) Funded internal grants from the University or external grants from public or private sources;
- (8) Unfunded proposals for internal and external grants, where the documentation supports the quality of the proposal.

E. Service

1. Overview. As a vital component of the University's mission, service must be performed at the same level of quality that characterizes the teaching and research/scholarship/creative activity programs. Service encompasses a faculty member's activities in three (3) areas: University service, professional service, and public service.
 - a. University service refers to work other than teaching and research/scholarship/creative activity done at the department, college, and/or University level. Participation in University service is expected of every faculty member. University service includes, but is not limited to, participation on department, college and University committees. Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, advisor to a University-wide student organization, and/or membership on a university search committee. Service includes, but is not limited to, activities that contribute to the recruitment, retention, progression, graduation, and post-graduation career placement of students.
 - b. Professional service refers to the work done for organizations germane to one's discipline or to the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, journal editorships, articles and grant proposal review, guest lecturing on other campuses, and other appropriate activities. While it is difficult to define the exact nature of significant professional service, clearly more is required than organizational membership and attendance; examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.
 - c. Public service is the University's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of

problems with which society is confronted. Public service primarily involves sharing professional expertise and should directly support the goals and mission of the University.

2. Performance Criteria

Participation in University service is expected of every faculty member. Although it is recognized that differences in emphases may exist, evaluation of service will be based on an appraisal of the candidate's performance in the three (3) areas defined above: University service, professional service, and public service. Evaluation will be based on the following criteria, with the academic unit of the University to which the faculty member is assigned determining the degree of weight for each criterion. These criteria should include community service programs, public service consultation,; University committee and administrative responsibilities, and active contributions to professional associations. In each case, documentation of the evaluation process and criteria used will be as complete as possible.

3. Documentation

- a. The Outline of Faculty Data and supporting materials as described in Section IV.B. must include evidence of the candidate's service.
- b. Other supporting materials may include, but will not be limited to, the following:
 - (1) A description of the candidate's service that permits evaluation of performance. This should include a statement of the mission or purpose of the activities, and of the objective(s) of the candidate's service unit, as well as the specific assigned tasks and responsibilities of the candidate.
 - (2) An evaluation of the candidate's effectiveness, as judged by his/her impact on individuals, groups, or organizations served. This should include indices of the success of his/her service, in terms of improvement of communities, programs, operating agencies, production processes, or management practices. The evaluations should also include indications of satisfaction with the service provided by the candidate, and of the magnitude and complexity of his/her work (as opposed to perfunctory activity that does not lead to useful results).
 - (3) An appraisal of the candidate's local, regional and national stature. Although the achievement of national stature is sometimes difficult for service faculty whose activities are primarily directed to groups within the state, the faculty member should take advantage of every opportunity to project his/her accomplishments among peers on a local, regional, and national basis. Service work is sometimes not publishable. The results may be in the form of

direct consultations, planning reports, or instructional time directed largely to the recipients of university service programs. Certain aspects of service work may be suitable for publication in professional journals. For example, unique techniques developed to motivate clients, or new approaches to the transfer and application of knowledge, would be of interest to peers in other service programs across the nation.

- (4) Evidence of applications seeking internal and external funding for service activities; funded grants from MTSU, public agencies, or private foundations; submitted proposals for external funding by public agencies or private foundations. The quality of the grant proposals, whether funded or unfunded, will be stressed in the evaluation.

VI. Exceptions to Minimum Academic Rank Criteria

To ensure the development of a faculty of the highest caliber and to ensure access to appropriate rank for all members of the faculty, justifiable exceptions to these criteria may be recommended.

Exceptions to the minimum rank qualifications established by this policy can be approved by the Provost; however, such exceptions are not favored and should be granted only upon a showing of a candidate's exceptional merit and/or other extraordinary circumstances, such as an objective need to deviate from these minimum qualifications in filling positions and/or retaining otherwise qualified faculty within certain academic disciplines. This determination will be made at the time of hire.

Deleted: recommended
Deleted: but are subject to approval by the Board and the faculty in the appropriate academic department. Such exceptions will be recommended

Petitions for exceptions to promotion criteria may include consideration of the appropriateness of the degree, extraordinary qualities that the candidate may possess, and/or equivalent work experience credit.

The Department Chair/Director, Dean, and faculty are responsible for evaluating a candidate's professional experience and record of accomplishments and recommending consideration for an exception to the Provost.

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VII. Terminal Degree Designation

The University will use national discipline standards to determine which degrees are considered to be terminal within each discipline. The University may also award equivalent work experience credit when a candidate has not obtained a terminal degree, but has a record of extraordinary achievement in a germane field.

Forms:

[Outline of Faculty Data](#)

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

Deleted: none.

References: Policies 202 Faculty Definition, Roles, Responsibilities, and Appointment Types; 206 Tenure and Promotion Appeals; 816 Nepotism; T.C.A. § 10-7-101; 10-7-503; Tennessee Public Records Act.



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life & Athletics Committee

SUBJECT: [Approval of Expedited Tenure](#)

DATE: December 5, 2017

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The University will sometimes find it necessary to expedite tenure review in order to recruit high-quality faculty, especially when hiring for administrative positions. In these cases, the University's review will be based on the candidate's curriculum vitae rather than a traditional tenure application file. The request will originate with the Department Chair/Director and be reviewed by the department tenure and promotion review committee, the Dean, the college tenure and promotion review committee, the Provost, and the President. [[Policy 204 Tenure, Section V](#)]

The following faculty, currently serving as administrators, have been reviewed for tenure by their department chair, department committee, college committee, and college dean according to MTSU Policy 204 Tenure and their respective college and department policies. The President and University Provost recommend that tenure be granted effective December 5, 2017.

	Name	Department	Rank
1	Kimberly Douglass	Political Science and International Relations	Associate Professor
2	David Schmidt	Global Studies and Human Geography	Professor
3	Cheryl Torsney	English	Professor



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

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

DATE: December 5, 2017

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The Jones College of Business proposes to elevate 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. (Effective Fall 2018)

The establishment of a freestanding BBA in Risk Management and Insurance is a natural progression from the concentration within Finance and has widespread support from the Jones College of Business and the business community. The new major will be broader in scope than the concentration and will better prepare students for careers in the risk management profession and insurance industry.

The curriculum prepares students for careers in risk management and insurance where they will identify, analyze and develop solutions for the ever-increasing uncertainties faced by individuals and businesses. This proposed program has been vetted by a committee of risk management and insurance professionals and will be the only one of its kind within the state of Tennessee.

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.

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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"> • Insurance • Business Finance • Real Estate 	B.B.A.	52.0801	Finance <ul style="list-style-type: none"> • Business Finance • Real Estate Risk Management & Insurance	B.B.A. B.B.A.	52.0801 52.1701

Proposed Implementation Date:

August 2018

Proposed Termination Date for Any Concentrations Proposed as Free Standing:

The existing concentration in Insurance as part of the Finance major will be terminated at the end of the 2020 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 Risk Management & Insurance from an existing major in Finance with a concentration in Insurance with a steady enrollment and graduation rate for a period of at least three years.

The establishment of a freestanding BBA in Risk Management & Insurance is a natural progression from the concentration within Finance. The establishment of this major has widespread support from the College of Business and the business community. MTSU also hosts a chapter of Gamma Iota Sigma, the international collegiate risk management, insurance, and actuarial science organization.

The current Insurance 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 Risk Management & Insurance will be housed in that department as well. The new major will be broader in scope than the concentration and will do a better job of preparing students for careers in the risk management profession and insurance industry. This broadening will be accomplished primarily from updating and revising existing courses.

The proposed program has been vetted by a committee of risk management and insurance professionals. Feedback and suggestions for modifications have been sought and received from faculty and students.

The Risk Management & Insurance major will be the only one of its kind within the state of Tennessee. Each of the eight states contiguous to Tennessee have one or more universities which offer majors in Risk Management & Insurance. Less than sixty universities in the country offer a program in Risk Management & Insurance. The major will add value to the Jennings A. Jones College of Business and MTSU expanding our regional and national reputations.

The Jones College of Business has received tremendous support from the insurance industry and risk management professionals. The department of Economics and Finance houses the Tommy Martin Chair of Insurance and over 30 endowed scholarships. Contributions to the insurance program total over \$1.6 million.

This curriculum prepares students for careers in risk management and insurance 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:

The insurance concentration has existed for over 25 years at MTSU. It has not undergone significant revision during that time. It has demonstrated steady enrollment and graduation rates. All the while, risk and uncertainty facing individuals and businesses has increased at an alarming rate. Emerging risks such as cyber (computer hacking), terrorism, autonomous vehicles, drones, etc. are evolving every day, as are the insurance solutions for handling them. All businesses and individuals manage risk, and risk management is of highest importance across a variety of industries like healthcare, food processing, finance and banking, transportation, etc. Insurance is the tool most frequently used in handling the risks businesses and individuals face. Risk management and insurance professionals who can successfully advise and implement risk management and insurance strategies are imperative for economic growth and stability. Risk management is now more important than ever and companies worldwide recognize this fact.

The demand for risk management and insurance professionals is very high due to the dynamic nature of the profession and the demographics of those currently working in the industry. Fifty percent of current risk management and insurance professionals will retire in the next 5 to 10 years resulting in a huge need for new talent. The insurance industry aggressively promotes diversity and pursues minority graduates and military veterans for employment. Our graduates are expected to enjoy many job opportunities.

A career in RMI offers variety, flexibility, above average income and advancement, and a sense of community. Students will have the opportunity to apply what they will learn in this major to one of the most vital and stable sectors of our economy.

The need for this program is manifested by the fact that the Risk Management & Insurance major will be the only one of its kind within the state of Tennessee. The insurance industry and risk management profession is extremely supportive of this program as evidenced by the establishment of the Tommy Martin Chair of Insurance and over 30 endowed scholarships. Contributions to the insurance program total over \$1.6 million.

The RMI major provides opportunity for interdisciplinary coordination with the Bachelor of Science in Actuarial Science degree. Students pursuing the Actuarial Science degree will be better educated and have more opportunities as a result of the Insurance program modification. The successes of each program will enhance the credibility and reputation of the other because the two areas interact professionally even though the subjects are quite different.

The hiring of a new Martin Chair of Insurance and the establishment of an industry advisory board makes this the perfect time to establish this freestanding RMI degree program from the existing concentration. The concentration has demonstrated a steady enrollment and graduation rate. Recognition as a freestanding degree does not require new resources, but creates great value for our students.

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 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 most 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 programs in Risk Management & Insurance, Risk Management, or Insurance or within the 52.1701 CIP class in Tennessee.

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: Insurance	39	33	23	32	9	16	10	12

* NOTE – Enrollment primarily reflects junior/senior level students declaring a major after achieving candidacy in the Jones College of Business.

Student Learning Outcomes:

The Risk Management & Insurance (RMI) 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. RMI courses integrate knowledge from the business core courses including economics, marketing, finance, accounting, management, 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. Additionally,

- Students will understand risk management and insurance issues of importance to corporations, families and individuals. They will be aware of key public policy issues

involving risk and have a deepened appreciation of the difficult trade-offs that are required to resolve public policy issues.

- Students will be able to identify, analyze, and manage risks that are inherent in both personal and business settings. Emphasis is on central concepts of managing corporate risk in an enterprise risk management framework.
- Students will understand and demonstrate knowledge of insurance coverages designed to address business and corporate risks.
- Students will understand how the insurance market is structured and regulated.

Assessment:

The RMI major includes a required capstone course for all majors. The capstone course involves projects requiring students to develop a risk management program for a corporate entity. The finished projects are presented to a panel of industry practitioners. Feedback from the panel is used to grade the work as well as inform further development of the curriculum.

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. One new elective course is proposed.

Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:

N/A

Distance Learning:

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

Current and Proposed Admission, Retention and Graduation Policies:

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

Retention Policies: The current concentration in Finance: Insurance and the proposed free-standing degree in Risk Management & Insurance both require students to be admitted to the Jones College of Business in order to continue into advanced study within the program. Students must meet the following retention requirements:

1. Completion of 30 hours before applying for candidacy
2. Minimum 2.25 GPA average is required among the following courses:
 ACTG 2110
 ECON 2410
 ECON 2420
 BIA 2610
3. Minimum Inclusive GPA in all college coursework of 2.250

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

Current Faculty:

Name	Rank	Highest Degree	Primary Department	FTE in Program	# of Theses/ Dissertations
Dave Wood	Professor	D.B.A.	Economics & Finance	100%	N/A
Emily Zietz	Professor	Ph.D.	Economics & Finance	100%	N/A

* Note: This program uses adjunct faculty positions when needed. Recent past and current instructors include:

- Zack Banister (Consumers Insurance Company), Property and Casualty Insurance
- David Biggs (COVA Wealth Management), Financial Planning
- Chris Jackson (State Farm Insurance Company), Computer Applications in Finance, Principles of Financial Management, Property and Casualty Insurance

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.B.A. in Risk Management & Insurance

CURRENT CURRICULUM	Hours	PROPOSED CURRICULUM	Hours
General Education The following Gen Ed courses are required for this major: MATH 1630, 1810, or 1910 ECON 2410	41	General Education The following Gen Ed courses are required for this major: MATH 1630, 1810, or 1910 ECON 2410	41
College of Business Core Includes ECON 2410	42	College of Business Core Includes ECON 2410	42
Insurance Concentration FIN 3610 General Insurance (3 hrs) FIN 3910 Financial Modeling (3 hrs) FIN 4110 Cases in Finance (3 hrs) FIN 4750 Risk Management (3 hrs) Choose 6 credit hours from the following: FIN 3660 Life Insurance and Health Insurance (3 hrs) FIN 3710 Property and Casualty Insurance (3 hrs) FIN 4710 Insurance in Estate Planning (3 hrs) FIN 4730 Insurance Company Operations (3 hrs) Insurance elective (3 hrs) FIN electives (6 hrs)	27	Risk Management & Insurance Core FIN 3050 Principles of Risk Management & Insurance (3 hrs) FIN 3750 Commercial Insurance (3 hrs) FIN 3910 Financial Modeling (3 hrs) FIN 4730 Insurance Operations (3 hrs) FIN 4750 Enterprise Risk Management (3 hrs) Choose 9 credit hours from the following: FIN 3030 Principles of Real Estate (3 hrs) FIN 3090 Financial Planning (3 hrs) BLAW 3460 Insurance Law (3 hrs) FIN 3660 Life and Health Insurance (3 hrs) FIN 3810 Investments (3 hrs) MKT 3840 Professional Selling (3 hrs) FIN 3950 Corporate Finance (3 hrs) FIN 4390 Employee Benefits (3 hrs) FIN 4790 Independent Study in Insurance (3 hrs) FIN 4850 International Insurance Markets (3 hrs) FIN 4880 Internship in Risk Management or Insurance (3 hrs)	24
Auxiliary Courses	6	Auxiliary Courses	9
Electives	7	Electives	7
TOTAL CREDITS REQUIRED FOR DEGREE	120	TOTAL CREDITS REQUIRED FOR DEGREE	120



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life &
Athletics Committee

SUBJECT: [Approval of Board of Trustees Policy:
Board of Trustees Travel](#)

DATE: December 5, 2017

PRESENTER: Alan Thomas

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At the request of Chairman Smith, the attached policy governing Board of Trustees travel has been developed for your review and consideration. University staff researched policies of several other public and private higher education institutions, as well as private companies with Boards. The attached draft policy was developed from this research and contains best practices in this area. Upon its recommendation, the proposed policy must be approved by the Board of Trustees.

xxx Board of Trustees Travel

Approved by

Effective Date:

Responsible Division:

Responsible Office:

Responsible Officer:

I. Purpose

This policy applies to travel by the Board of Trustees of Middle Tennessee State University (MTSU or University) in the performance of their official duties.

II. General Provisions

- A. Requests for Reimbursement. Trustees may be reimbursed or have appropriate expenses paid in advance for travel expenses related to official University business up to the extent of the reimbursement limits outlined in Policy 658 Travel by submitting a standard Travel Expense Claim and appropriate receipts within 30 calendar days after the conclusion of the travel or event. Trustees shall be eligible for reimbursement for all mandatory regular, special, and emergency meetings of the Board and its committees. Travel Claims should be submitted to the Office of the Board of Trustees and approved by the Vice President for Business and Finance.
- B. Out of State or Out of Country Travel. Prior written authorization for out-of-state or out-of-country travel must be obtained by submitting a Travel Authorization Request to the Office of the Board of Trustees and approved by the Vice President for Business and Finance.
- C. Expenses that are Not Reimbursable. The following expenses are presumed not to be Reasonable or Necessary. These expenses are not eligible for Reimbursement.
 - a. Alcohol
 - b. Child care
 - c. Dues in private clubs
 - d. Golfing or green fees
 - e. Gym and recreational fees, including massages and saunas
 - f. In-room movies and mini-bar charges
 - g. Life insurance, flight insurance, personal automobile insurance and baggage insurance
 - h. Loss/theft of cash, airline tickets, personal funds or property
 - i. Lost baggage or excess baggage charge for personal items
 - j. “No-show” charges or penalties for flights, hotel and car service if incurred due to non-business related changes in schedules
 - k. Parking or traffic fines
 - l. Personal automobile repairs, grooming services, shoe shines
 - m. Personal credit card annual fees or interest charges

- n. Charges for personal telephone calls in excess of reasonable calls
 - o. Personal travel portion of a business trip
 - p. Pet care
 - q. Tips or service gratuities in excess of 20%
 - r. Unauthorized car rentals, registration fees, etc.
 - s. Discretionary upgrades (air, hotel, car, etc.)
 - t. Expenses of any person other than the Trustee
 - u. Personal Entertainment charges, such as movies, sightseeing tours, etc.
- D. Combining University and Personal Travel. If a 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 the expenses incurred on their behalf. 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.
- E. The University is not responsible for reimbursing for lost time from private work and other responsibilities or duties of a Trustee that are outside of those duties and responsibilities to the University as a Trustee. Per this policy, reimbursement is not available to Trustees for political fundraising events, political events, religious events, or events where the Trustee is not an official participant.



Middle Tennessee State University
Board of Trustees

Tab 3

Finance and Personnel Committee
Meeting
November 29, 2017



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting

SUBJECT: [Finance & Personnel Committee Meeting](#)

DATE: December 5, 2017

PRESENTER: Committee Chair Joey Jacobs

ACTION REQUIRED: Voice Vote/Roll Call Vote

STAFF RECOMMENDATION: Approval

- Rule Promulgation and Related Policies
- Severance of Procurement Services from TBR
- 2017-2018 October Revised Budget
- Exploration of the Option for Acquiring Outside Legal Counsel for the Trustees



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting

SUBJECT: [Rule Promulgation and Related Policies
Installment Payment Plan](#)

DATE: December 5, 2017

ACTION REQUIRED: Roll Call Vote

BACKGROUND INFORMATION:

T.C.A. § 49-9-109 requires the Board of Trustees to promulgate a rule concerning an installment payment plan for payment of tuition and student fees, as well as, consequences for failure to make payments. The proposed rule is drafted to comply with that mandate, and is provided for review by the Finance and Personnel Committee. Upon its recommendation, the proposed rule must be approved by the Board of Trustees.

MTSU has a corresponding policy, Policy 644 – Installment Payment Plan, which has been revised for consistency with the proposed rule. In addition, MTSU Policy 641 – Student Fees, Incidental Charges and Refunds contained references to the installment payment plan and therefore, minor changes were made in the policy for consistency with the rule. The revised policies are provided, in a redlined format as well as a clean format, for review by the Finance and Personnel Committee. Upon its recommendation, the proposed policies must be approved by the Board of Trustees.

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-02
Installment Payment Plan

New

Table of Contents is added to Chapter 0240-07-02 Installment Payment Plan and shall read as follows:

Table of Contents

0240-07-02-.01 Purpose
0240-07-02-.02 General Provisions

0240-07-02-.01 Purpose is added to Chapter 0240-07-02 Installment Payment Plan and shall read as follows:

0240-07-02-.01 Purpose

This rule outlines significant provisions for consistent administration of the installment payment plan for payment of tuition and all student fees at Middle Tennessee State University (“MTSU” or “University”).

Authority: T.C.A. § 49-8-113.

0240-07-02-.02 General Provisions is added to Chapter 0240-07-02 Installment Payment Plan and shall read as follows:

0240-07-02-.02 General Provisions

- (1) The installment payment plan for tuition and student fees is only available for tuition and student fees incurred at the time the first payment for either the Fall academic term or the Spring academic term is due.
- (2) Eligibility
 - (a) All students in good financial standing with MTSU, and with no outstanding account balances from previous terms, may be eligible to participate in the installment payment plan.
 - (b) Students who have failed to make timely payments in previous terms may be denied the right to participate in the installment payment plan in additional enrollment periods.
 - (c) The minimum balance due by the student for the academic term to which the installment payment plan would apply must be at least four hundred dollars (\$400.00).
 - (d) The University reserves the right to decline or deny students participation in this plan.
- (3) Payment Terms
 - (a) All financial aid awarded, including, but not limited to, student loans, scholarships and discounts, must be applied toward payment of total fee balances before the installment payment plan may be utilized.
 - (b) The remaining balance after financial aid and discounts are applied will be divided into four (4) equal payments, with the first (1st) payment due before the first (1st) day of class and the remaining payments due on the 30th of each subsequent month. All installment payments should be scheduled so that the entire balance due is paid by the end of the academic term.
- (4) Service Charges and Fines
 - (a) A service fee of fifty dollars (\$50.00) will be charged to help defray administrative costs associated with each installment payment plan.

- (b) An additional late payment charge of twenty-five dollars (\$25.00) may be assessed on each installment payment which is not paid on or before the due date and each thirty (30)-day period past the second (2nd) installment payment, up to a maximum of one hundred dollars (\$100.00).
- (c) Withdrawals from classes will not alter any remaining balance due, except to the extent that any refund may be applied in accordance with University policy.

(5) Approval of Exceptions

- (a) In accordance with these rules, the President or the President's designee has the authority to determine the applicability of the provisions of the installment payment plan and to approve exceptions in instances of unusual circumstances if doing so is to the benefit of the student.
- (b) All such actions must be properly documented for auditing purposes.

Authority: T.C.A. § 49-8-113.



644 Installment ~~Fee~~ Payment ~~P~~lanrogram

Approved by ~~President~~ Board of Trustees

Effective Date: June 5, 2017

Responsible Division: Business and Finance

Responsible Office: Business and Finance

Responsible Officer: Associate Vice President, Business and Finance

I. Purpose

This policy outlines significant provisions for consistent administration of the installment ~~fee~~ payment ~~p~~lanrogram for payment of tuition and all student fees at Middle Tennessee State University (MTSU or University).

II. General Provisions

A. The installment payment plan for tuition and student fees is only available for ~~regular academic terms and not for summer or other short term~~ tuition and student fees incurred at the time the first payment for either the Fall academic term or the Spring academic term is due.

B. Eligibility

1. All students in good financial standing with MTSU, and with no outstanding account balances from previous terms, are may be eligible to participate in the installment ~~fee~~ payment ~~p~~rogramplan.

2. Students who have failed to make timely payments in previous terms may be denied the right to participate in the installment ~~fee~~ payment ~~p~~lanrogram in additional enrollment periods.

3. The minimum balance due by the student for the academic term to which the installment payment plan would apply must be at least four hundred dollars (\$400.00).

3.4. The University reserves the right to decline or deny students participation in this plan.

C. Payment Terms

1. All financial aid awarded, including, but not limited to, student loans, scholarships, and discounts, must be applied toward payment of total fee balances before the installment ~~fee~~ payment plan may be utilized.
2. The remaining balance after financial aid and discounts are applied will be divided into four (4) equal payments, with the first (1st) payment due before the first (1st) day of class and the remaining payments due on the 30th of each subsequent month. All installment payments should be scheduled so that the entire balance due is paid by the end of the semester academic term.

D. Service Charges and Fines

1. A service fee of fifty dollars (\$50.00) will be charged to help defray administrative costs associated with ~~the each~~ installment payment plan program.
2. An additional late payment charge of twenty-five dollars (\$25.00) ~~will~~ may be assessed on each installment payment which is not paid on or before the due date and each thirty (30)-day period past the second (2nd) installment payment, up to a maximum of one hundred dollars (\$100.00).
3. Withdrawals from classes will not alter any remaining balance due, except to the extent that any refund may be applied in accordance with Policy 641 Student Fees, Incidental Charges and Refunds institutional policy.

E. Approval of Exceptions

1. In accordance with this policy, the President or his/her designee has the authority to determine the applicability of the provisions of the installment ~~fee~~ payment - program plan and to approve exceptions in instances of unusual circumstances ~~for~~ individuals if doing so is to the benefit of the student.

~~2. The President or designee has the authority to permit policy related exceptions.~~

3.2. All such actions must be properly documented for auditing purposes.

Forms: none.

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

References: Policy 641 Student Fees, Incidental Charges and Refunds none.



644 Installment Payment Plan

Approved by Board of Trustees

Effective Date: _____, 2017

Responsible Division: Business and Finance

Responsible Office: Business and Finance

Responsible Officer: Associate Vice President, Business and Finance

I. Purpose

This policy outlines significant provisions for consistent administration of the installment payment plan for payment of tuition and all student fees at Middle Tennessee State University (MTSU or University).

II. General Provisions

- A. The installment payment plan for tuition and student fees is only available for tuition and student fees incurred at the time the first payment for either the Fall academic term or the Spring academic term is due.
- B. Eligibility
 - 1. All students in good financial standing with MTSU, and with no outstanding account balances from previous terms, may be eligible to participate in the installment payment plan.
 - 2. Students who have failed to make timely payments in previous terms may be denied the right to participate in the installment payment plan in additional enrollment periods.
 - 3. The minimum balance due by the student for the academic term to which the installment payment plan would apply must be at least four hundred dollars (\$400.00).
 - 4. The University reserves the right to decline or deny students participation in this plan.
- C. Payment Terms

1. All financial aid awarded, including, but not limited to, student loans, scholarships and discounts, must be applied toward payment of total fee balances before the installment payment plan may be utilized.
2. The remaining balance after financial aid and discounts are applied will be divided into four (4) equal payments, with the first (1st) payment due before the first (1st) day of class and the remaining payments due on the 30th of each subsequent month. All installment payments should be scheduled so that the entire balance due is paid by the end of the academic term.

D. Service Charges and Fines

1. A service fee of fifty dollars (\$50.00) will be charged to help defray administrative costs associated with each installment payment plan.
2. An additional late payment charge of twenty-five dollars (\$25.00) may be assessed on each installment payment which is not paid on or before the due date and each thirty (30)-day period past the second (2nd) installment payment, up to a maximum of one hundred dollars (\$100.00).
3. Withdrawals from classes will not alter any remaining balance due, except to the extent that any refund may be applied in accordance with institutional policy.

E. Approval of Exceptions

1. In accordance with this policy, the President or his/her designee has the authority to determine the applicability of the provisions of the installment payment plan and to approve exceptions in instances of unusual circumstances if doing so is to the benefit of the student.
2. All such actions must be properly documented for auditing purposes.

Forms: none.

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

References: none.



641 Student Fees – Incidental Charges and Refunds

Approved by Board of Trustees

Effective Date: June 5, 2017

Responsible Division: Business and Finance

Responsible Office: Business and Finance

Responsible Officer: Associate Vice President, Business and Finance

I. Purpose

This policy outlines significant provisions for the administration of fees, fines, charges, and refunds at Middle Tennessee State University (MTSU or University).

II. Establishment of Fees, Fines, and Charges

- A. The MTSU Board of Trustees (Board) must establish or approve all University fees, fines, and charges, unless specific exceptions are provided.
- B. The President is responsible for the enforcement and collection of all fees, fines, and charges. Fees, fines, and charges which specifically do not require Board approval must receive formal approval by the President or designee.
- C. The University should attempt to follow a general format in publishing information on fees, fines, and charges, including, but not limited to, the following:
 1. All statements which include the fee amount should be complete and specific enough to prevent misunderstanding by readers.
 2. When a fee is quoted, the refund procedures should be clearly stated. If there are qualifying conditions for refunds (i.e., specific dates), those conditions also should be stated. If there is no refund, it should be labeled as non-refundable.
 3. It should be made clear that all fees are subject to change at any time.
- D. Current tuition and fee rates, fee payment dates, and refund procedures can be found either in [Policy 640 Payment of Student Fees and Enrollment of Students](#) or on the [“What Does it Cost”](#) webpage.

III. Approval of Exceptions

- A. In accordance with this policy, the President has the authority to determine the applicability of certain fees, fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances or for special groups.
- B. All such actions should be properly documented for auditing purposes.

IV. Appeals Process

- A. An appeals process should be established by the University, and communicated to students, faculty, and staff.
- B. The process should provide for final appeal to the President or designee.
- C. Separate appeals processes may exist for different types of fees, charges, and refunds.

V. Exchange of Revenue

Public institutions exchange funds for tuition and fees of employees' spouses and dependents who participate in an education assistance program.

VI. Tuition and Fees Subject to Board Approval

- A. Maintenance Fees. Charged to students enrolled in credit courses or on an audit basis. It is an enrollment or registration fee and is calculated based on the number of Student Credit Hours (SCH's).
 - 1. Rates are established by student level (undergraduate and graduate). The hourly rate will be discounted when undergraduate students enroll in greater than twelve (12) hours and graduate students in greater than ten (10) hours, unless stated otherwise elsewhere in this policy.
 - 2. For multiple summer sessions, maintenance fees and tuition are assessed by using the current part-time rate with no maximum amount for total credit hours enrolled.
 - 3. Maintenance fees may not be waived unless specific exceptions are outlined in state statute. T.C.A. § 49-7-113 provides exceptions for certain disabled and elderly students, as well as state service retirees; T.C.A. § 49-7-102 outlines certain exceptions for dependents and spouses of military personnel; and T.C.A. § 49-7-2304 provides exceptions for certain military reserve and National Guard personnel.

- B. Out-of-State Tuition. An additional fee charged to students classified as non-residents who are enrolled in for-credit courses, including audit courses. This fee is in addition to the maintenance fee.
1. A separate hourly rate for out-of-state tuition will be set for undergraduate and graduate students. A full-time student is defined as an undergraduate enrolled in twelve (12) hours or a graduate student enrolled in ten (10) hours.
 2. Applicability of out-of-state tuition is determined pursuant to [Policy 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes](#). The Business Office will collect fees based upon student classification as determined under that policy.
- C. Regional Scholars Program
1. This program is restricted to:
 - a. admitted undergraduate students who graduate from a high school located in a county within a ~~specified two hundred fifty (250) mile~~ radius of the MTSU campus as determined by the Board of Trustees and published on the Regional Scholars Program website, have at least a twenty-five (25) ACT, or the SAT equivalent, maintain full-time status (minimum of twelve [12] hours), and remain in good academic standing.
 - b. admitted graduate students who have a permanent address that is located in a county within ~~the same specified radius two hundred fifty (250) miles~~ of the MTSU campus as noted above, maintain full-time status (minimum of ten [10] hours), and remain in good academic standing.
 2. If a student drops below minimum hours stated above, they are assessed out-of-state fees for that term.
 3. The out-of-state tuition rate charged to students eligible for the program rate will equal the University's state subsidy per full-time equivalent for the prior fiscal year. This rate is capped at twelve (12) hours for undergraduate students and ten (10) hours for graduate students.
 4. The program rate does not impact students who otherwise qualify for border county classification or other in-state residency classification.
- D. eRate. Available to students who enroll at MTSU, who are classified as non-residents of Tennessee, and who are enrolled exclusively in online courses.

1. The eRate is one hundred fifty percent (150%) of the University's approved undergraduate or graduate maintenance fee.
 2. The hourly rate will not be discounted for students receiving the eRate and enrolling in greater than twelve (12) undergraduate hours or ten (10) graduate hours.
 3. To qualify for an eRate, students must meet all University admission requirements and be verified as an online out-of-state student enrolled exclusively in courses delivered online by a procedure documented by the University. Out-of-state students refers to geographic location and does not include undocumented students living in Tennessee.
 4. Students enrolled in any type courses other than online (on-ground, telecourse, distance education, etc.) will not be eligible for the eRate specified in this policy and will instead incur traditional non-resident fees and charges. Students who enroll in both online courses and other type courses, and subsequently drop the other type courses, will not then become eligible for the eRate.
 5. Enrollment of eRate students as defined in this standard must mitigate any negative impact on the opportunity for Tennessee student enrollment in online courses.
- E. Corporate Partnership Rate. Available to corporations that have entered into a formal partnership with MTSU to develop and deliver a degree completion program to their employees. The rate applies to out-of-state employees and is equal to the approved eRate above. The major difference is that it can be any type of course (hybrid, telecourse, distance education, etc.) offered as part of a Corporate Partnership. In-state students involved in a Corporate Partnership will pay normal in-state rates.
- F. Program Services Fee. A fee charged to students to support the following programs of the University:
1. Debt Service. Debt service fee revenue is used to retire debt on various capital projects of the University. At the conclusion of the debt retirement for a given project, the debt service fee attributed to the project will cease. Any new project requires the approval of a new debt service fee on its own merits without the reallocation of any existing fee. Any continuation of fees necessary for renewal and replacement of a project for which the debt is totally retired must be approved for that purpose by the Board.
 2. Student Government Activity Fee. A student government activity fee may be established pursuant to T.C.A. § 49-8-109. Any increase in this fee shall be subject to a referendum pursuant to T.C.A. § 49-8-110 for student body approval or rejection. The fee will be administered in accordance with the provisions adopted by the University. These fees will be recorded as restricted revenue.

3. Technology Access Fee. Assessed by the University for the purpose of providing student access to computing and similar technologies.
 - a. The revenue from Technology Access Fees (TAF) should be used by the University for direct student benefit, for items such as new and improved high technology laboratories and classrooms, appropriate network and software, computer and other equipment, and technological improvements that enhance instruction. Specifically, TAF funds may be used for the following items:
 - (1) Computers and other technical laboratory supplies, equipment, software, and maintenance.
 - (2) Network costs (internet, interactive video, etc.)
 - (3) Classroom equipment and classroom modifications.
 - (4) Lab, helpdesk, and instructional support staffing by student employees.
 - (5) Renewal and replacement reserves as necessary.
 - (6) New machines for faculty use when faculty are actively engaged in developing and conducting on-line courses.
 - (7) Faculty and staff development directly related to the introduction or application of new technology which impacts students. Travel costs are not to be funded from TAF revenues
 - (8) Infrastructure (wiring, network, servers, etc.) necessary to provide students maximum computing capability.
 - b. As part of the budget process, the University shall prepare a detailed spending plan for the use of funds generated by TAF.
 - c. The spending plan will be maintained by the University and will be updated throughout the year as needed. The President shall ensure that the spending plan is prepared. At the end of the fiscal year, a summary of the actual money generated and actual use of the money shall be prepared and maintained by the University.
 - d. Compliance with this policy will be audited by the internal audit staff and reported as determined by the internal auditor's annual risk-based planning process or other appropriate means.
4. Campus Access Fee. Assessed to all students each academic term for services provided related to parking and transportation on campus, as well as maintenance of the transportation infrastructure.
5. Postal Services Fee. Charged for U.S. postal services provided on campus to students.
6. Facilities Fee. Used to improve facilities and fund expenditures such as replacing carpets in student lounges, remodeling classrooms, provide matching funds for new

- academic building projects, etc. The fee is used to make improvements to areas that have an impact on students.
7. Student Recreation Fee. Used to improve facilities and fund expenditures related to operating the student recreation center for student, faculty, staff, and alumni use. The Student Recreation center is an auxiliary fully funded by this fee and sales revenue from fitness programs, locker rental, facility rental, etc.
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- G. Specialized Academic Course Fees. Certain academic programs require expensive maintenance/updating of equipment and software and the employment of highly qualified staff. The high costs of instruction for these programs can be offset by establishing specialized academic fees, with the Board's approval. Specialized academic course fee revenues are limited to funding only the related costs for providing these courses. To receive approval for a specialized academic fee, a program will be required to submit documentation to establish that the following criteria are met:
1. High Cost of Instruction. Programs qualifying for charging specialized academic fees must demonstrate that they are more costly than other programs offered by the University. If appropriate, the extraordinary cost of the program must be validated including benchmarking with similar programs in the region and nation.
 2. High Demand. The number of students enrolled in the program and the student credit hours generated are sufficient to justify additional fees.

3. High Cost of Updating/Maintaining Equipment and Software. Programs qualifying for charging specialized academic fees are expected to be those that require extensive maintenance and regular updating of equipment and/or software, all of which are very expensive. An average hardware/software cost per student credit hour serves as the basis for determining the amount of the fee.
 4. Accreditation. Meeting standards of specific accrediting agencies may also qualify a specialized program for charging specialized academic fees. The accrediting standards that justify a fee are those that specify the possession and use of certain equipment and unique software that are extraordinarily costly and/or the employment of faculty with specific credentials that demand high salaries.
 5. High Recognition and Quality. The programs approved for specialized academic fees are expected to be distinctive and with a regional or national reputation. The program must demonstrate that it has achieved exceptional recognition in its particular enterprise.
 6. High Value to Tennessee. The program must demonstrate that it is a good investment for the State of Tennessee to justify charging extra fees to the student. The program should be distinctive and of integral value to Tennessee. The graduates' earning potential and the associated benefit to the state economy should be projected, as well as the efforts taken by the University to aid graduates in finding appropriate employment in Tennessee.
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- H. Materials Fees. A fee charged for certain academic labs requiring students have specialized consumable materials. These supplies should be consumable products that the student will use up during the semester. Non-hazardous materials may be retained by the student at the end of the semester. Each request should include course number and a list of expendable supplies that will be purchased as a convenience to the students. It should be financially advantageous to students for the University to purchase the course materials.
- I. Miscellaneous Course Fees. Assessed for courses with additional requirements outside the normal instructional classroom or to provide additional support services to students (i.e., flight training fees, distance education fees, private instruction music fees, etc.)
- J. Other Fees, Fines, and Charges

1. **Application Fee.** This is a non-refundable fee paid by an individual who applies for admission to the University. A student is required to pay this fee when he/she applies for admission as a graduate student even if the student attended another institution as an undergraduate student. Additionally, the student is required to pay this fee when he/she applies for admission to a doctoral-level program after receiving a masters-level degree from the institution.
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7. **Deferred Payment Plan Late Fee.** Students who do not pay their installment plan payments by the due date will be charged a late fee each month they are late.

VII. Fees, Fines, and Charges to be Established and Administered by the University

The following fees, fines, and charges may be established and administered by the University. No specific approval or notification to the Board will be required, unless subject to other Board or State requirements. These charges should be governed by an approved contract and/or approved by the Provost or the appropriate Vice President. The University will establish appropriate refund policies. Approval documents should be sent to the Office of Business and Finance.

- A. Sales of goods and services of a commercial nature, including bookstores, food services, vending, laundry, and similar activities. This includes the University's IncludED program which allows students to receive required course materials at a discounted rate and on day one of a course.
- B. Rental of non-student housing and facilities.

- C. Admissions fees to athletic and other events open to the public, including special events sponsored by campus organizations and activities.
- D. Sales and services of educational activities such as clinical services, publications, etc.
- E. Registration for conferences, institutes, and non-credit activities.
- F. Fees for use of campus facilities for recreational purposes.

~~G. Parking permits and parking meters for use by guests and visitors.~~

~~H.G.~~ _____ Nonrefundable library fines, which apply to students, faculty, staff, and other library users.

~~I.H.~~ Thesis and dissertation fee - nonrefundable. The fee will be determined based upon cost to the University.

~~J.I.~~ Child Care Fees. Kindergarten, preschool, early childhood, day care, or similarly defined activities.

~~K.J.~~ Special Exam Fee - nonrefundable. The fee will be determined based upon cost to the University (i.e., certification fees, etc.).

~~L.K.~~ Standardized Test Fees - nonrefundable. The fee will be determined based upon the cost for administering the tests.

~~M.L.~~ _____ Identification Card Replacement - nonrefundable. There will be no charge for the original identification card. A fee may be set by the University to offset the cost of replacing the card. This fee applies only to student ID cards and not to faculty and staff ID's.

~~N.M.~~ _____ Returned Check Fee. The University will charge a nonrefundable returned check fee that is the maximum set by state law. This fee will apply to all returned checks received by the institution, whether from students, faculty, staff, or other parties. The University will review state statutes each spring to determine any changes.

~~O.N.~~ _____ Diploma Fee. Students wanting a second (2nd) copy of their diploma will be charged for the reproduction.

VIII. Deposits

A deposit may be established by the University for rent or lease of buildings and facilities, or for the issuance of other University property or equipment. Deposits should be subject to a one hundred percent (100%) refund if no damage or loss occurs. The amount of such deposits

should be related to the value of the facilities or equipment subject to loss and the general ability of the University to secure reimbursement should loss or damage occur.

IX. Student Residence Halls and Apartments

- A. All regular and special rental rates for student dormitories and student apartments shall be approved by the Board upon the recommendation of the University. The University may recommend special rates for non-student groups during summer periods, etc.
- B. Pursuant to [Policy 640 Payment of Student Fees and Enrollment of Students](#), rental for student dormitory or residence hall units shall be payable in full in advance of the beginning of a term. However, residence hall students can participate in the installment payment plan. See [Policy 644 Installment Fee Payment Program](#).

X. Other Fee and Charge Considerations

- A. Fees may be established to control the utilization of facilities and services or to offset the cost of extraordinary requirements as a result of specific programs or activities. See [Policy 100 Use of Campus Property and Facilities Scheduling](#).
- B. When fees and charges are incorporated in agreements with outside contractors and vendors, specific rates, refunds, and conditions must be clearly stated.
- C. Fees for auxiliary services must take into consideration that auxiliary enterprises should be a break-even operation with rates and charges generating revenue sufficient to cover all expenses as defined in operating budget policies.
- D. Fees established for non-credit courses and activities shall be sufficient to cover the total costs incurred in providing instruction plus a minimum of twenty-five percent (25%) of the annual instructional salary costs including contractual salary costs or personal services contracts.
- E. Students enrolled for six (6) or more hours are eligible for full-time privileges, i.e., access to social, athletic, and cultural functions, pursuant to T.C.A. § 49-8-109.

XI. Refunds and Fee Adjustments

- A. Adjustments to all fees and charges must be in accordance with the following provisions except as previously stated, or when required by federal law or regulation to be otherwise.
- B. Pursuant to T.C.A. §§ 49-7-2301 and 49-7-2302, students called to active military or National Guard service during the semester are entitled to a one hundred percent

(100%) adjustment or credit of mandatory fees. Housing and meal ticket charges may be prorated based on usage.

C. Maintenance Fee, Tuition, and Program Services Fee Refunds and Adjustments

1. Refunds are one hundred percent (100%) for courses canceled by the University.
2. Changes in courses involving the adding and dropping of equal numbers of SCH's for the same term at the same time require no refund or assessment of additional tuition or fees, unless the dropping and adding involves TN eCampus courses for which there would be a fee adjustment.
3. The fee adjustment for withdrawals or drops during regular terms (fall and spring) is seventy-five percent (75%) from the first (1st) day of classes through the fourteenth (14th) calendar day of classes and then reduced to twenty-five percent (25%) for a period of time which extends twenty-five percent (25%) of the length of the term. When the first (1st) day of the academic term falls on a Saturday, the one hundred percent (100%) refund period is extended through the weekend until the following Monday morning (12:01 am). There is no fee adjustment after the twenty-five percent (25%) period ends. Dropping or withdrawing from classes during either the seventy-five percent (75%) or the twenty-five percent (25%) fee adjustment period will result in a fee adjustment of assessed tuition and fees based on the total credit hours of the final student enrollment.
4. All fee adjustment periods will be rounded to whole days and included in all student communication. In calculating the seventy-five percent (75%) and twenty-five percent (25%) fee adjustment periods for other than the fall and spring (i.e., summer sessions), the number of calendar days during the term will be considered.
5. A full refund (one hundred percent [100%]) is provided on behalf of a student whose death occurs during the term. Any indebtedness should be offset against the refund.
6. A one hundred percent (100%) refund will be provided for students who enroll under an advance registration system but who drop a course or courses prior to the beginning of the first day of class.
7. A one hundred percent (100%) refund will be provided to students who are compelled by the University to withdraw when it is determined that through University error they were academically ineligible for enrollment or were not properly admitted to enroll for the course(s) being dropped. An appropriate official must certify in writing that this provision is applicable in each case.
8. When courses are included in a regular term's registration process for administrative convenience, but the course does not begin until later in the term, the seventy-five

- percent (75%)/twenty-five percent (25%) fee adjustment periods will be based on the particular course's beginning and ending dates. This provision does not apply to classes during the fall or spring terms which may meet only once per week. Those courses will follow the same refund dates as other regular courses for the term.
9. The fee adjustment is calculated as the difference between (1) the per credit hour cost of originally enrolled hours and (2) the per credit hour cost of the courses at final enrollment after adjustments have been applied for all courses dropped. Adjustments are calculated at the full per credit hour rate less the fee adjustment credit at the applicable fee adjustment percentage (regardless of the original number of hours enrolled). Not all drops/withdrawals will result in fee adjustments.
- D. Student Residence Hall/Apartment Rent and Meal Plan Refunds. Refund of residence hall rent and meal plans after registration will be prorated on a weekly calendar basis when the student is forced to withdraw from the residence hall or University:
1. Because of personal medical reasons confirmed in writing by a licensed physician, or
 2. At the request of the University for other than disciplinary reasons. Full refund will be made in the case of the death of the student. Withdrawals for other approved reasons will be subject to the same seventy-five percent (75%)/twenty-five percent (25%) fee adjustment periods as outlined for tuition and fees above. ~~No refund will be made other than under the above conditions.~~

Forms: none.

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

References: T.C.A. §§ 49-7-102; 49-7-113; 49-7-2301-2304; 49-8-109; 49-8-110; Policies 100 Use of Campus Property and Facilities Scheduling; 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes; 640 Payment of Student Fees and Enrollment of Students; 644 Installment Fee Payment Program.



641 Student Fees – Incidental Charges and Refunds

Approved by Board of Trustees

Effective Date: **TO BE PRESENTED AT 12/5/17 BOARD MEETING**

Responsible Division: Business and Finance

Responsible Office: Business and Finance

Responsible Officer: Associate Vice President, Business and Finance

I. Purpose

This policy outlines significant provisions for the administration of fees, fines, charges, and refunds at Middle Tennessee State University (MTSU or University).

II. Establishment of Fees, Fines, and Charges

- A. The MTSU Board of Trustees (Board) must establish or approve all University fees, fines, and charges, unless specific exceptions are provided.
- B. The President is responsible for the enforcement and collection of all fees, fines, and charges. Fees, fines, and charges which specifically do not require Board approval must receive formal approval by the President or designee.
- C. The University should attempt to follow a general format in publishing information on fees, fines, and charges, including, but not limited to, the following:
 1. All statements which include the fee amount should be complete and specific enough to prevent misunderstanding by readers.
 2. When a fee is quoted, the refund procedures should be clearly stated. If there are qualifying conditions for refunds (i.e., specific dates), those conditions also should be stated. If there is no refund, it should be labeled as non-refundable.
 3. It should be made clear that all fees are subject to change at any time.
- D. Current tuition and fee rates, fee payment dates, and refund procedures can be found on the ["What Does it Cost"](#) webpage.

III. Approval of Exceptions

- A. In accordance with this policy, the President has the authority to determine the applicability of certain fees, fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances or for special groups.
- B. All such actions should be properly documented for auditing purposes.

IV. Appeals Process

- A. An appeals process should be established by the University, and communicated to students, faculty, and staff.
- B. The process should provide for final appeal to the President or designee.
- C. Separate appeals processes may exist for different types of fees, charges, and refunds.

V. Exchange of Revenue

Public institutions exchange funds for tuition and fees of employees' spouses and dependents who participate in an education assistance program.

VI. Tuition and Fees Subject to Board Approval

- A. Maintenance Fees. Charged to students enrolled in credit courses or on an audit basis. It is an enrollment or registration fee and is calculated based on the number of Student Credit Hours (SCH's).
 - 1. Rates are established by student level (undergraduate and graduate). The hourly rate will be discounted when undergraduate students enroll in greater than twelve (12) hours and graduate students in greater than ten (10) hours, unless stated otherwise elsewhere in this policy.
 - 2. For multiple summer sessions, maintenance fees and tuition are assessed by using the current part-time rate with no maximum amount for total credit hours enrolled.
 - 3. Maintenance fees may not be waived unless specific exceptions are outlined in state statute. T.C.A. § 49-7-113 provides exceptions for certain disabled and elderly students, as well as state service retirees; T.C.A. § 49-7-102 outlines certain exceptions for dependents and spouses of military personnel; and T.C.A. § 49-7-2304 provides exceptions for certain military reserve and National Guard personnel.

B. Out-of-State Tuition. An additional fee charged to students classified as non-residents who are enrolled in for-credit courses, including audit courses. This fee is in addition to the maintenance fee.

1. A separate hourly rate for out-of-state tuition will be set for undergraduate and graduate students. A full-time student is defined as an undergraduate enrolled in twelve (12) hours or a graduate student enrolled in ten (10) hours.
2. Applicability of out-of-state tuition is determined pursuant to [Policy 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes](#). The Business Office will collect fees based upon student classification as determined under that policy.

C. Regional Scholars Program

1. This program is restricted to:
 - a. admitted undergraduate students who graduate from a high school located in a county within a specified radius of the MTSU campus as determined by the Board of Trustees and published on the [Regional Scholars Program website](#), have at least a twenty-five (25) ACT, or the SAT equivalent, maintain full-time status (minimum of twelve [12] hours), and remain in good academic standing.
 - b. admitted graduate students who have a permanent address that is located in a county within the same specified radius of the MTSU campus as noted above, maintain full-time status (minimum of ten [10] hours), and remain in good academic standing.
2. If a student drops below minimum hours stated above, they are assessed out-of-state fees for that term.
3. The out-of-state tuition rate charged to students eligible for the program rate will equal the University's state subsidy per full-time equivalent for the prior fiscal year. This rate is capped at twelve (12) hours for undergraduate students and ten (10) hours for graduate students.
4. The program rate does not impact students who otherwise qualify for border county classification or other in-state residency classification.

D. eRate. Available to students who enroll at MTSU, who are classified as non-residents of Tennessee, and who are enrolled exclusively in online courses.

1. The eRate is one hundred fifty percent (150%) of the University's approved undergraduate or graduate maintenance fee.

2. The hourly rate will not be discounted for students receiving the eRate and enrolling in greater than twelve (12) undergraduate hours or ten (10) graduate hours.
 3. To qualify for an eRate, students must meet all University admission requirements and be verified as an online out-of-state student enrolled exclusively in courses delivered online by a procedure documented by the University. Out-of-state students refers to geographic location and does not include undocumented students living in Tennessee.
 4. Students enrolled in any type courses other than online (on-ground, telecourse, distance education, etc.) will not be eligible for the eRate specified in this policy and will instead incur traditional non-resident fees and charges. Students who enroll in both online courses and other type courses, and subsequently drop the other type courses, will not then become eligible for the eRate.
 5. Enrollment of eRate students as defined in this standard must mitigate any negative impact on the opportunity for Tennessee student enrollment in online courses.
- E. Corporate Partnership Rate. Available to corporations that have entered into a formal partnership with MTSU to develop and deliver a degree completion program to their employees. The rate applies to out-of-state employees and is equal to the approved eRate above. The major difference is that it can be any type of course (hybrid, telecourse, distance education, etc.) offered as part of a Corporate Partnership. In-state students involved in a Corporate Partnership will pay normal in-state rates.
- F. Program Services Fee. A fee charged to students to support the following programs of the University:
1. Debt Service. Debt service fee revenue is used to retire debt on various capital projects of the University. At the conclusion of the debt retirement for a given project, the debt service fee attributed to the project will cease. Any new project requires the approval of a new debt service fee on its own merits without the reallocation of any existing fee. Any continuation of fees necessary for renewal and replacement of a project for which the debt is totally retired must be approved for that purpose by the Board.
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 - (1) Computers and other technical laboratory supplies, equipment, software, and maintenance.
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 - (8) Infrastructure (wiring, network, servers, etc.) necessary to provide students maximum computing capability.
 - b. As part of the budget process, the University shall prepare a detailed spending plan for the use of funds generated by TAF.
 - c. The spending plan will be maintained by the University and will be updated throughout the year as needed. The President shall ensure that the spending plan is prepared. At the end of the fiscal year, a summary of the actual money generated and actual use of the money shall be prepared and maintained by the University.
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- A. Sales of goods and services of a commercial nature, including bookstores, food services, vending, laundry, and similar activities. This includes the University's IncludED program which allows students to receive required course materials at a discounted rate and on day one of a course.
- B. Rental of non-student housing and facilities.

- C. Admissions fees to athletic and other events open to the public, including special events sponsored by campus organizations and activities.
- D. Sales and services of educational activities such as clinical services, publications, etc.
- E. Registration for conferences, institutes, and non-credit activities.
- F. Fees for use of campus facilities for recreational purposes.
- G. Nonrefundable library fines, which apply to students, faculty, staff, and other library users.
- H. Thesis and dissertation fee - nonrefundable. The fee will be determined based upon cost to the University.
- I. Child Care Fees. Kindergarten, preschool, early childhood, day care, or similarly defined activities.
- J. Special Exam Fee - nonrefundable. The fee will be determined based upon cost to the University (i.e., certification fees, etc.).
- K. Standardized Test Fees - nonrefundable. The fee will be determined based upon the cost for administering the tests.
- L. Identification Card Replacement - nonrefundable. There will be no charge for the original identification card. A fee may be set by the University to offset the cost of replacing the card. This fee applies only to student ID cards and not to faculty and staff ID's.
- M. Returned Check Fee. The University will charge a nonrefundable returned check fee that is the maximum set by state law. This fee will apply to all returned checks received by the institution, whether from students, faculty, staff, or other parties. The University will review state statutes each spring to determine any changes.
- N. Diploma Fee. Students wanting a second (2nd) copy of their diploma will be charged for the reproduction.

VIII. Deposits

A deposit may be established by the University for rent or lease of buildings and facilities, or for the issuance of other University property or equipment. Deposits should be subject to a one hundred percent (100%) refund if no damage or loss occurs. The amount of such deposits should be related to the value of the facilities or equipment subject to loss and the general ability of the University to secure reimbursement should loss or damage occur.

IX. Student Residence Halls and Apartments

- A. All regular and special rental rates for student dormitories and student apartments shall be approved by the Board upon the recommendation of the University. The University may recommend special rates for non-student groups during summer periods, etc.
- B. Pursuant to [Policy 640 Payment of Student Fees and Enrollment of Students](#), rental for student dormitory or residence hall units shall be payable in full in advance of the beginning of a term. However, residence hall students can participate in the installment payment plan. See [Policy 644 Installment Fee Payment Program](#).

X. Other Fee and Charge Considerations

- A. Fees may be established to control the utilization of facilities and services or to offset the cost of extraordinary requirements as a result of specific programs or activities. See [Policy 100 Use of Campus Property and Facilities Scheduling](#).
- B. When fees and charges are incorporated in agreements with outside contractors and vendors, specific rates, refunds, and conditions must be clearly stated.
- C. Fees for auxiliary services must take into consideration that auxiliary enterprises should be a break-even operation with rates and charges generating revenue sufficient to cover all expenses as defined in operating budget policies.
- D. Fees established for non-credit courses and activities shall be sufficient to cover the total costs incurred in providing instruction plus a minimum of twenty-five percent (25%) of the annual instructional salary costs including contractual salary costs or personal services contracts.
- E. Students enrolled for six (6) or more hours are eligible for full-time privileges, i.e., access to social, athletic, and cultural functions, pursuant to T.C.A. § 49-8-109.

XI. Refunds and Fee Adjustments

- A. Adjustments to all fees and charges must be in accordance with the following provisions except as previously stated, or when required by federal law or regulation to be otherwise.
- B. Pursuant to T.C.A. §§ 49-7-2301 and 49-7-2302, students called to active military or National Guard service during the semester are entitled to a one hundred percent (100%) adjustment or credit of mandatory fees. Housing and meal ticket charges may be prorated based on usage.

C. Maintenance Fee, Tuition, and Program Services Fee Refunds and Adjustments

1. Refunds are one hundred percent (100%) for courses canceled by the University.
2. Changes in courses involving the adding and dropping of equal numbers of SCH's for the same term at the same time require no refund or assessment of additional tuition or fees, unless the dropping and adding involves TN eCampus courses for which there would be a fee adjustment.
3. The fee adjustment for withdrawals or drops during regular terms (fall and spring) is seventy-five percent (75%) from the first (1st) day of classes through the fourteenth (14th) calendar day of classes and then reduced to twenty-five percent (25%) for a period of time which extends twenty-five percent (25%) of the length of the term. When the first (1st) day of the academic term falls on a Saturday, the one hundred percent (100%) refund period is extended through the weekend until the following Monday morning (12:01 am). There is no fee adjustment after the twenty-five percent (25%) period ends. Dropping or withdrawing from classes during either the seventy-five percent (75%) or the twenty-five percent (25%) fee adjustment period will result in a fee adjustment of assessed tuition and fees based on the total credit hours of the final student enrollment.
4. All fee adjustment periods will be rounded to whole days and included in all student communication. In calculating the seventy-five percent (75%) and twenty-five percent (25%) fee adjustment periods for other than the fall and spring (i.e., summer sessions), the number of calendar days during the term will be considered.
5. A full refund (one hundred percent [100%]) is provided on behalf of a student whose death occurs during the term. Any indebtedness should be offset against the refund.
6. A one hundred percent (100%) refund will be provided for students who enroll under an advance registration system but who drop a course or courses prior to the beginning of the first day of class.
7. A one hundred percent (100%) refund will be provided to students who are compelled by the University to withdraw when it is determined that through University error they were academically ineligible for enrollment or were not properly admitted to enroll for the course(s) being dropped. An appropriate official must certify in writing that this provision is applicable in each case.
8. When courses are included in a regular term's registration process for administrative convenience, but the course does not begin until later in the term, the seventy-five percent (75%)/twenty-five percent (25%) fee adjustment periods will be based on the particular course's beginning and ending dates. This provision does not apply to

- classes during the fall or spring terms which may meet only once per week. Those courses will follow the same refund dates as other regular courses for the term.
9. The fee adjustment is calculated as the difference between (1) the per credit hour cost of originally enrolled hours and (2) the per credit hour cost of the courses at final enrollment after adjustments have been applied for all courses dropped. Adjustments are calculated at the full per credit hour rate less the fee adjustment credit at the applicable fee adjustment percentage (regardless of the original number of hours enrolled). Not all drops/withdrawals will result in fee adjustments.
- D. Student Residence Hall/Apartment Rent and Meal Plan Refunds. Refund of residence hall rent and meal plans after registration will be prorated on a weekly calendar basis when the student is forced to withdraw from the residence hall or University:
1. Because of personal medical reasons confirmed in writing by a licensed physician, or
 2. At the request of the University for other than disciplinary reasons. Full refund will be made in the case of the death of the student. Withdrawals for other approved reasons will be subject to the same seventy-five percent (75%)/twenty-five percent (25%) fee adjustment periods as outlined for tuition and fees above.

Forms: none.

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

References: T.C.A. §§ 49-7-102; 49-7-113; 49-7-2301-2304; 49-8-109; 49-8-110; Policies 100 Use of Campus Property and Facilities Scheduling; 501 Classifying Students In-State and Out-of-State for Paying University Fees and Tuition and for Admission Purposes; 640 Payment of Student Fees and Enrollment of Students; 644 Installment Fee Payment Program.



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting

SUBJECT: Severance of Procurement Services from
TBR

DATE: December 5, 2017

ACTION REQUIRED: Voice Vote

BACKGROUND INFORMATION:

The FOCUS Act provided that, during a transition period beginning July 1, 2016 and ending November 30, 2017, TBR would continue to perform the following three functions for the Locally Governed Institutions (LGIs): Data Systems, Capital Project Planning and Management, and Procurement. Under the FOCUS Act, an LGI may sever from TBR for each of the three remaining functions effective December 1, 2017, or any time thereafter, upon application and approval of the Tennessee Higher Education Commission (THEC). For the procurement function, an LGI must submit its application six months in advance of the desired effective date of severance. The general conditions necessary for independence regarding procurement include demonstration of understanding of all state reporting requirements applicable to procurement and contracts, demonstration of readiness to prepare submission documentation and make presentations to the Fiscal Review Committee of the Tennessee General Assembly when its approval is required (generally for high dollar value agreements/procurements), and commitment to continue to participate in existing Master Contracts held by TBR on behalf of all institutions in the TBR system.

This section provides an overview of the requirements set forth by THEC for obtaining approval for severance. If approved by this Committee and the Board of Trustees, we will submit our proposal for severance to THEC before the end of December 2017, intending for severance to be effective July 1, 2018.



MIKE KRAUSE
Executive Director

BILL HASLAM
Governor

STATE OF TENNESSEE
HIGHER EDUCATION COMMISSION
PARKWAY TOWERS, SUITE 1900
NASHVILLE, TENNESSEE 37243-0830
(615) 741-3605

TO: President Glenda Glover
President Sidney McPhee
President Brian Noland
President Phil Oldham
President David Rudd
President Alisa White

FROM: Mike Krause
THEC Executive Director

DATE: April 26, 2017

RE: Procurement Severance Process

It is the intent of the Tennessee Higher Education Commission (THEC) that this document provides an overview of the general conditions necessary for independence on procurement, including understanding all reporting requirements, mandated interactions with fiscal review, and continued participation in current master contracts. The requirements outlined below are not exhaustive. State law and administrative procedures may require additional actions as an LGI engages in procurement management on its own.

Independence for procurement will allow a Locally Governed Institution (LGI) to enter bilateral contracts with vendors, but will not prohibit an institution from joining master, group, or statewide contracts initiated through the Tennessee Board of Regents (TBR), consortia, or partnerships. Beyond management of vendor relationships, an LGI will need to undertake full responsibility for all contract and reporting requirements, including annual reporting to the Senate Finance, Ways and Means Committee and quarterly reporting to the Fiscal Review Committee and Governor's Office of Diversity Business Enterprise (GoDBE).

Per the FOCUS Act, an LGI may sever from the Tennessee Board of Regents for the purposes of procurement beginning on December 1, 2017, or any time thereafter, pending the approval of THEC. Each LGI shall inform THEC in writing six months prior of its intent to sever from TBR.

Requirements for Severance on Procurement

Procurement and Contract Policy Development

Each LGI will be required to show that proper policies, procedures and guidelines associated with the process of procurement and contracting have been developed on their campuses and approved by their governing boards. As a higher education agency, an LGI is exempt from the purchase and service requirements governed by the State's Central Procurement Office, including the presentation of rules to the Procurement Commission. However, each institution is still held to the same state laws related to contracts and purchasing, required reporting on contracting, and representation at fiscal review for any non-competitive contracts.

Action Required for Severance: LGI will provide links to policies and procedures for procurement and contracting on their website. LGI will also make available pro forma contracts and templates for RFPs, RFQs, amendments, monitoring, and any other purchasing and contracts forms or templates on their website. The LGI's governing board shall certify that the policies and procedures approved by them meet at minimum all requirements of state and federal law.

Fiscal Review Committee

Pursuant to Tennessee law, the Fiscal Review Committee of the Tennessee General Assembly is required to review and comment on proposed non-competitive contracts with a term (time period) of more than one year and a cumulative payable value of \$250,000 or more. Institutions are also required to submit amendments to payable contracts that are equal to or exceed \$250,000 and have a term longer than one year to the Fiscal Review Committee, even if the original contract was procured competitively. Contracts and amendments that require action by the Fiscal Review Committee must be submitted to the Committee at least 60 days prior to the start date.

Institutions are required to provide any information requested by Fiscal Review to allow the Committee to complete their review process. The Fiscal Review Committee requires that most contracts be formally presented in person by a representative. Institutions are responsible for identifying appropriate agents to present contracts before Fiscal Review. Several contracts are exempt from the Fiscal Review Committee reporting requirement, including contracts submitted to the State Building Commission, any sponsored grants or contracts, and revenue-producing contracts.

For more information on what must be included in a request to Fiscal Review, please see TCA § 4-56-107.

Action Required for Severance: LGI will provide a checklist outlining all proper documents that must be submitted to Fiscal Review when a contract or amendment is under review. LGI will also make available online the Fiscal Review forms required to address non-competitive contracts and amendments and will provide written documentation to THEC identifying who will represent the LGI in front of the Fiscal Review Committee.

Reporting Requirements

Each LGI must exhibit the ability to file appropriate reports as required by Tennessee State Code or the bylaws and policies of the identified reporting body, including but not limited to the following:

- Governor's Office of Diversity Business Enterprise Diversity Report
Any requests for proposals administered in a given quarter where small, minority-, and/or women-owned businesses participated must be reported on a **quarterly basis** to the Governor's Office of Diversity Business Enterprise.
- Governor's Office of Diversity Business Enterprise Small, Minority, Women-Owned Business Report
Any expenditures made on small, minority-, or women-owned businesses must be reported on an **annual basis** to the Governor's Office of Diversity Business Enterprise.
- Fiscal Review Goods and Services Contract Report
All personal, professional, and consultant contracts that are (1) awarded in a competitive or non-competitive method totaling from \$2,000 to \$50,000 and (2) contracts awarded in a non-competitive method that total over \$50,000 must be reported on a **quarterly basis** to the Fiscal Review Committee. Refer to TCA § 4-56-107 for further information on the requirements of this report.
- Governor's Office of Diversity Business Enterprise Goals Report
Each state procurement agency is required to establish annual state agency level internal goals for minority-owned business, woman-owned business, service-disabled veteran-owned business, or small business contracting. These internal goals and results must be reported on an **annual basis** by the Go-DBE at the end of the calendar year.
- Senate Finance, Ways and Means Committee Contract Reporting Requirements
All contracts for expenditures (both goods and services) in a given fiscal year that exceed \$49,999 must be reported. This report must include all contracts

currently active and is reported on an ***annual basis*** as part of the legislative session reporting requirements for budget review.

It is the responsibility of each LGI to guarantee all reporting requirements for state procurement agencies are met in a timely manner.

Action Required for Severance: LGI will provide THEC with the contact information for those responsible for meeting these reporting requirements. The LGI will also provide examples of the most recent versions of these reports for review.

Master Contracts Severance

If not already in practice, the LGI is encouraged to review and evaluate existing contracts for cost, performance, and benefits that accrue from participation in master, group, or statewide contracts. The full term of master contracts includes all renewals indicated at the time that the contract was executed. With this in mind, THEC encourages each LGI to remain in master contracts in which they participate until the full term is concluded. If an LGI determines it intends to exit a master contract agreement when the full-term expires, the institution shall notify TBR at least six months before the full contract term ends. An LGI that has been granted severance and that has properly notified TBR of its intention to leave a completed master contract may do so with no penalty. Please see the attached file indicating when each current master contract's full-term will conclude.

An LGI that has been granted severance from TBR by THEC that determines it desires to exit a master, group or statewide contract agreement before the full-term concludes shall work with TBR and THEC to determine the process for exiting the contract. This process shall be determined on a case-by-case basis. An early exit shall be granted to an institution unless doing so causes undue injury to other institutions or state procurement agencies involved in that contract. If it is determined that exiting a master contract early will lead to injury to other participants, the LGI will be provided with written cause for the decision.

Action Required for Severance: Each LGI agrees to work with TBR and THEC on a case-by-case basis to identify the terms under which the LGI may exit a master contract before the full-term is completed. The LGI understands that TBR will determine if exiting a master contract early will cause injury to the remaining participating institutions or procurement agencies, and agrees to abide by the determination of TBR on exit strategies. The LGI acknowledges that it will notify the Assistant Vice Chancellor for Purchasing and Contracts at TBR which master contracts the institution intends to leave at the end of the full contract term at least six months in advance of the contract expiring.

Intent to Sever

The FOCUS Act (amending TCA § 49-8-101) authorizes THEC to “solicit and receive requests from state university boards to assume the performance of [data systems, capital project planning and management, and procurement].” The signature of the Chairman of the Board (or President with proper Board authorization) below indicates that the Locally Governed Institution understands the reporting, compliance, and existing contract requirements associated with procurement severance and that the indicated Locally Governed Institution intends to sever on December 1, 2017 for the purposes of procurement. The board of the Locally Governed Institution understands and agrees that it shall not be permitted to assume the performance of the procurement functions until such time as severance is granted.

Name: _____

Title: _____

Institution: _____

Signature: _____



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting

SUBJECT: 2017-18 October Revised Operating Budget

DATE: December 5, 2017

ACTION REQUIRED: Voice Vote

BACKGROUND INFORMATION:

The Board of Trustees is charged with approving the operating budgets and setting the fiscal policies for Middle Tennessee State University. As required by THEC, one of the three budgets submitted by the University annually is an October (Revised) budget.

The attached budget being submitted for your approval contains the following changes since the July (Original) Budget:

- Adjustments to Tuition and Fee Revenue for (1) inclusion of the remaining 3.5% tuition increase and (2) reflecting a 1.1% decrease in FTE for fall enrollment.
- Increased appropriations for state funded employee benefits.
- Adjusted expenditure budgets for (1) state funded employee benefits, (2) re-budgeting of various student fee balances from the prior year, (3) purchases in process at year end but not be completed until the current fiscal year, (4) additional safety and security initiatives, and (5) limited funding for new academic programs approved by THEC for FY 2017 – 18.
- Adjustments to auxiliary and restricted budgets based on information obtained since the July Budget submission.

Revised 2017-18 Operating Budgets

Suggested Student Revenue Increase

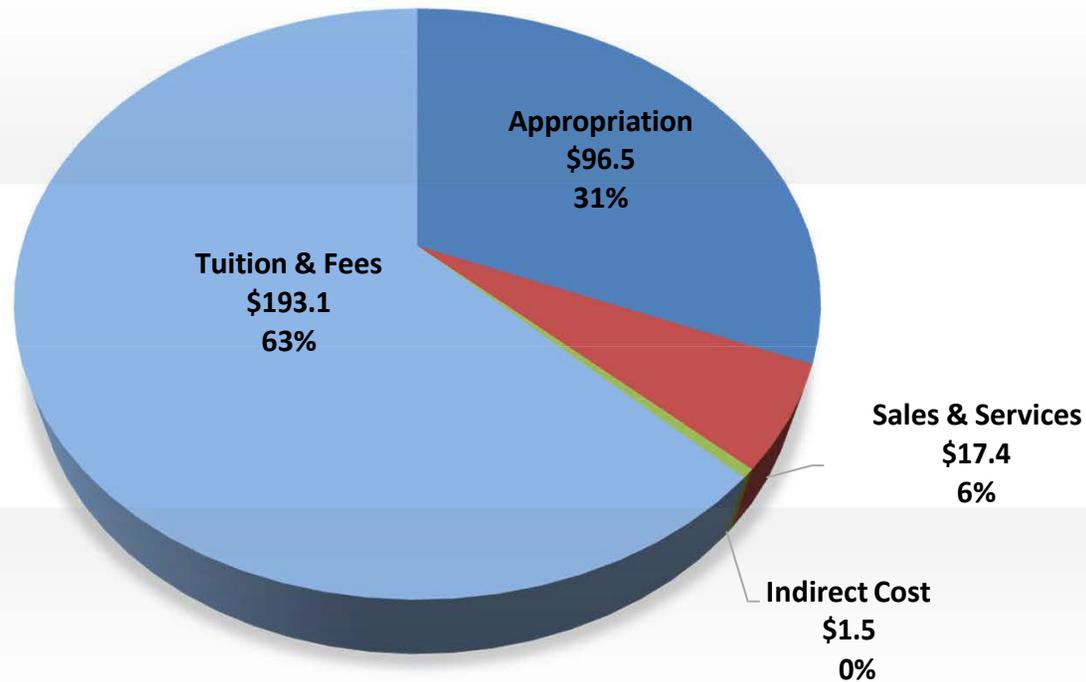
	<u>Approved Increase</u>	<u>October Budget</u>
Personnel Costs	\$ 5,924,000	\$ 5,210,000
Scholarships & Discounts	1,551,800	1,362,500
Other Fixed Costs and Specific Needs	2,546,000	1,298,400
	<hr/>	<hr/>
FY 17-18 Budget Need	\$ 10,021,800	\$ 7,870,900
	<hr/>	<hr/>
Outcomes Funding	479,100	479,100
Funding for 3% Salary Pool	3,007,800	3,007,800
Health Ins./401k Match	1,110,000	1,110,000
Tuition	5,425,000	2,450,100
TBR Chargeback recovered	-	823,900
	<hr/>	<hr/>
FY 17-18 Incr. in State Funds	\$ 10,021,900	\$ 7,870,900
	<hr/>	<hr/>

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR REVENUE CATEGORIES
REVISED BUDGET 2017-18**

	2017-18	2017-18	Difference
	<u>July Budget</u>	<u>Revised Budget</u>	
Tuition and Fees	\$ 191,644,700	\$ 193,126,100	\$ 1,481,400
State Appropriations	94,860,600	96,514,200	1,653,600
Federal Grants and Contracts	950,000	950,000	-
Local Grants and Contracts	60,000	60,000	-
State Grants & Contracts	55,000	55,000	-
Private Grants & Contracts	467,000	467,000	-
Private Gifts	-	-	-
Sales & Services of Educ Activities	633,100	633,100	-
Sales & Services of Other Activities	16,535,400	16,483,600	(51,800)
Other Sources	<u>272,700</u>	<u>272,700</u>	<u>-</u>
	<u>\$ 305,478,500</u>	<u>\$ 308,561,700</u>	<u>\$ 3,083,200</u>

Education & General Revenue Revised Budget 2017-18

(millions)

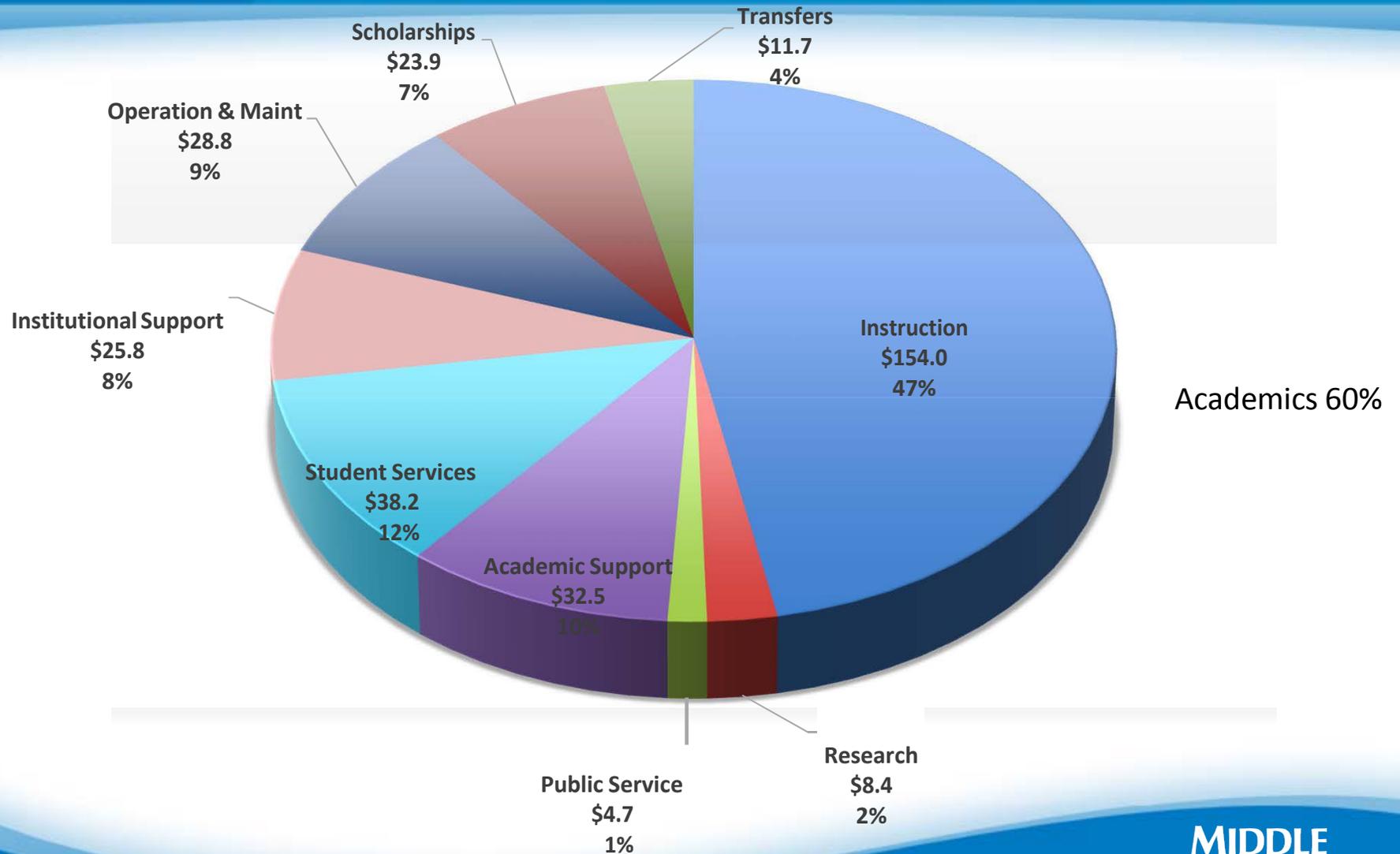


Total E&G Budget \$308.5

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY FUNCTIONAL CATEGORY
REVISED BUDGET 2017-18**

Function	July Budget 2017-18	Revised Budget 2017-18	Difference
Instruction	\$ 144,586,800	\$ 153,960,400	\$ 9,373,600
Research	4,641,200	8,419,200	3,778,000
Public Service	3,523,700	4,734,200	1,210,500
Academic Support	31,171,900	32,517,500	1,345,600
Student Services	44,447,000	38,224,200	(6,222,800)
Institutional Support	23,736,600	25,755,600	2,019,000
Operation and Maintenance	27,687,600	28,752,900	1,065,300
Scholarships and Fellowships	14,400,700	23,887,400	9,486,700
Transfers	11,283,000	11,738,000	455,000
Total	\$ 305,478,500	\$ 327,989,400	\$ 22,510,900

Revised 2017-18 E&G Budget By Functional Totals (Millions)

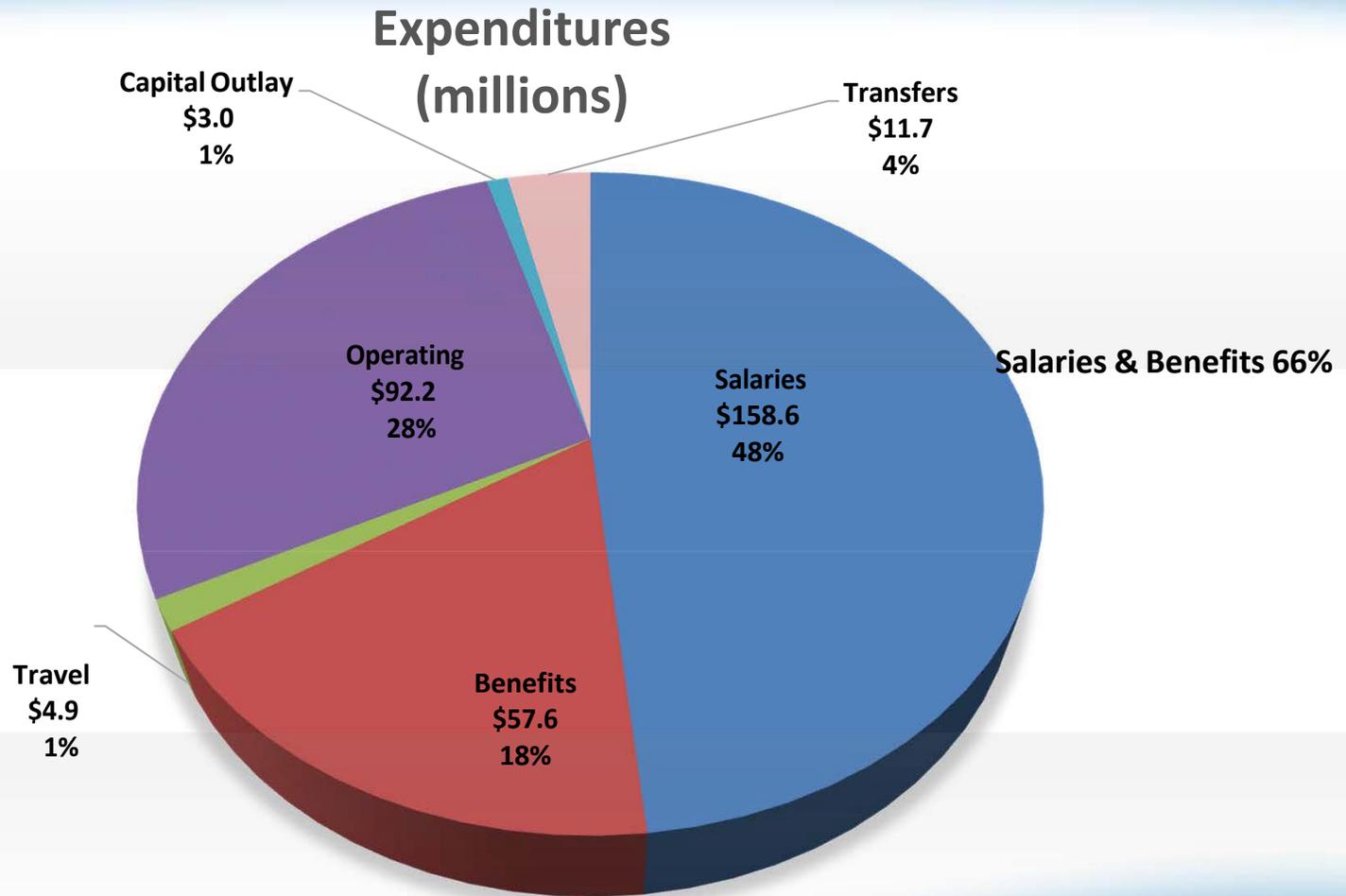


Total E&G Budget \$328.0

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY NATURAL CATEGORY
REVISED BUDGET 2017-18**

	July Budget 2017-18	Revised Budget 2017-18	Difference
Professional Salaries	\$ 136,477,700	\$ 137,824,200	\$ 1,346,500
Other Salaries	20,709,300	20,753,700	44,400
Employee Benefits	56,188,700	57,589,700	1,401,000
Travel	4,296,700	4,870,600	573,900
Operating Expense	70,957,400	92,214,900	21,257,500
Capital Outlay	5,565,700	2,998,300	(2,567,400)
Transfers	11,283,000	11,738,000	455,000
Total	\$ 305,478,500	\$ 327,989,400	\$ 22,510,900

Education & General Budget by Natural Classification Revised 2017-18



Total E&G Budget \$328.0

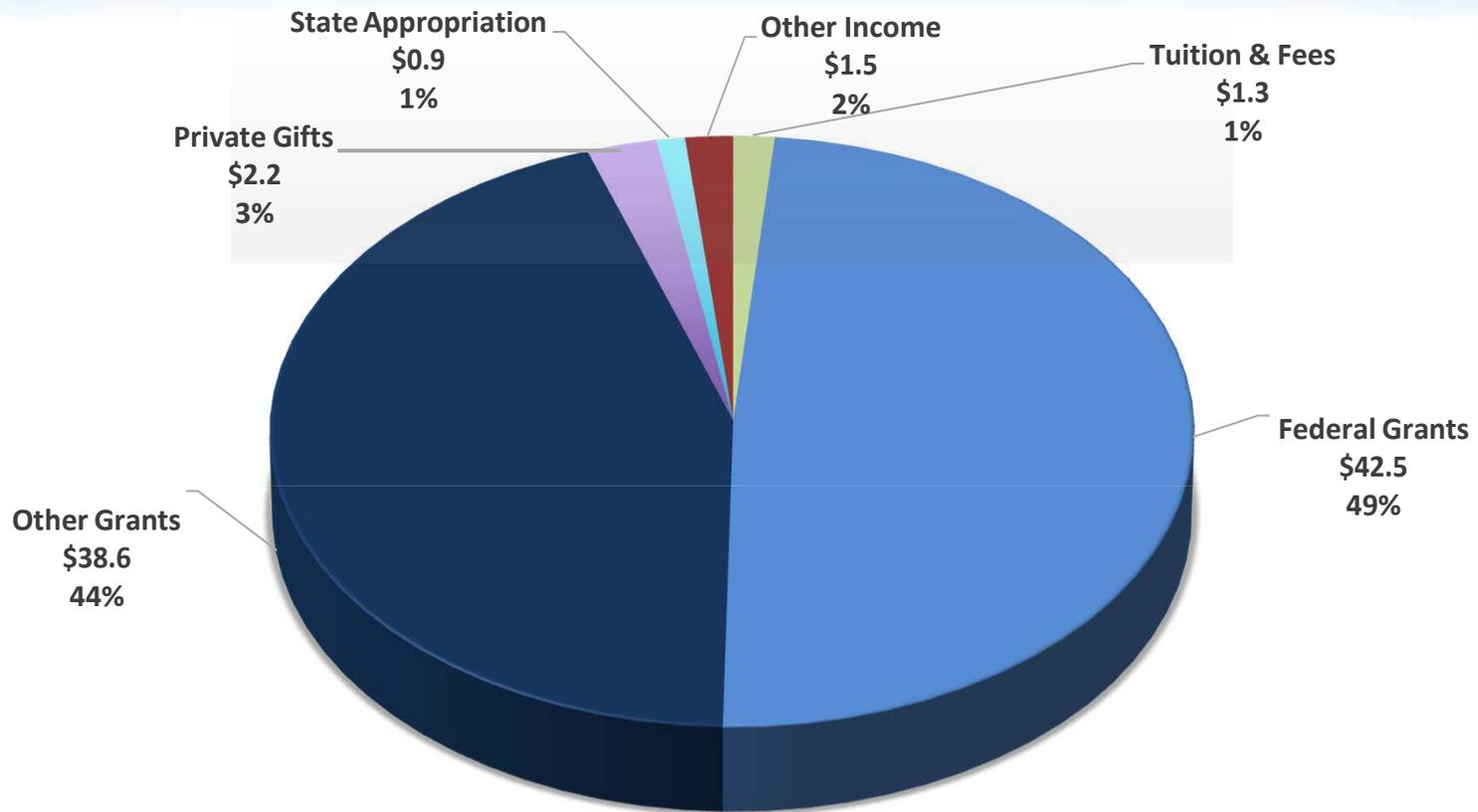
**MIDDLE TENNESSEE STATE UNIVERSITY
REVISED BUDGET 2017-18
AUXILIARY ENTERPRISE SUMMARY SCHEDULE**

<u>Auxiliary</u>	<u>July 2017-18</u>		<u>Revised 2017-18</u>	
	<u>Revenues</u>	<u>Expenditures and Transfers</u>	<u>Revenues</u>	<u>Expenditures and Transfers</u>
Bookstore	\$ 432,468	\$ 411,328	\$ 500,000	\$ 478,860
Food Service	2,367,000	2,345,860	2,367,000	2,345,860
Housing	16,733,902	16,733,902	16,733,902	16,733,902
Vending	114,000	114,000	130,000	130,000
Recreational Center	3,028,500	3,028,500	3,028,500	3,028,500
Post Office	397,600	397,600	397,600	397,600
Parking Services	5,091,200	5,070,060	5,091,200	5,070,060
Residential & Commercial Rentals	250,000	250,000	280,000	280,000
Greek Row	106,852	106,852	119,000	119,000
Health Services	4,078,373	4,078,373	4,078,373	4,078,373
TN Miller Coliseum	660,614	724,034	660,614	724,034
Student Long Distance Service	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>
Total Auxiliaries	<u>\$ 33,270,509</u>	<u>\$ 33,270,509</u>	<u>\$ 33,396,189</u>	<u>\$ 33,396,189</u>

**MIDDLE TENNESSEE STATE UNIVERSITY
SUMMARY OF RESTRICTED CURRENT FUNDS AVAILABLE AND APPLIED
REVISED BUDGET 2017-18**

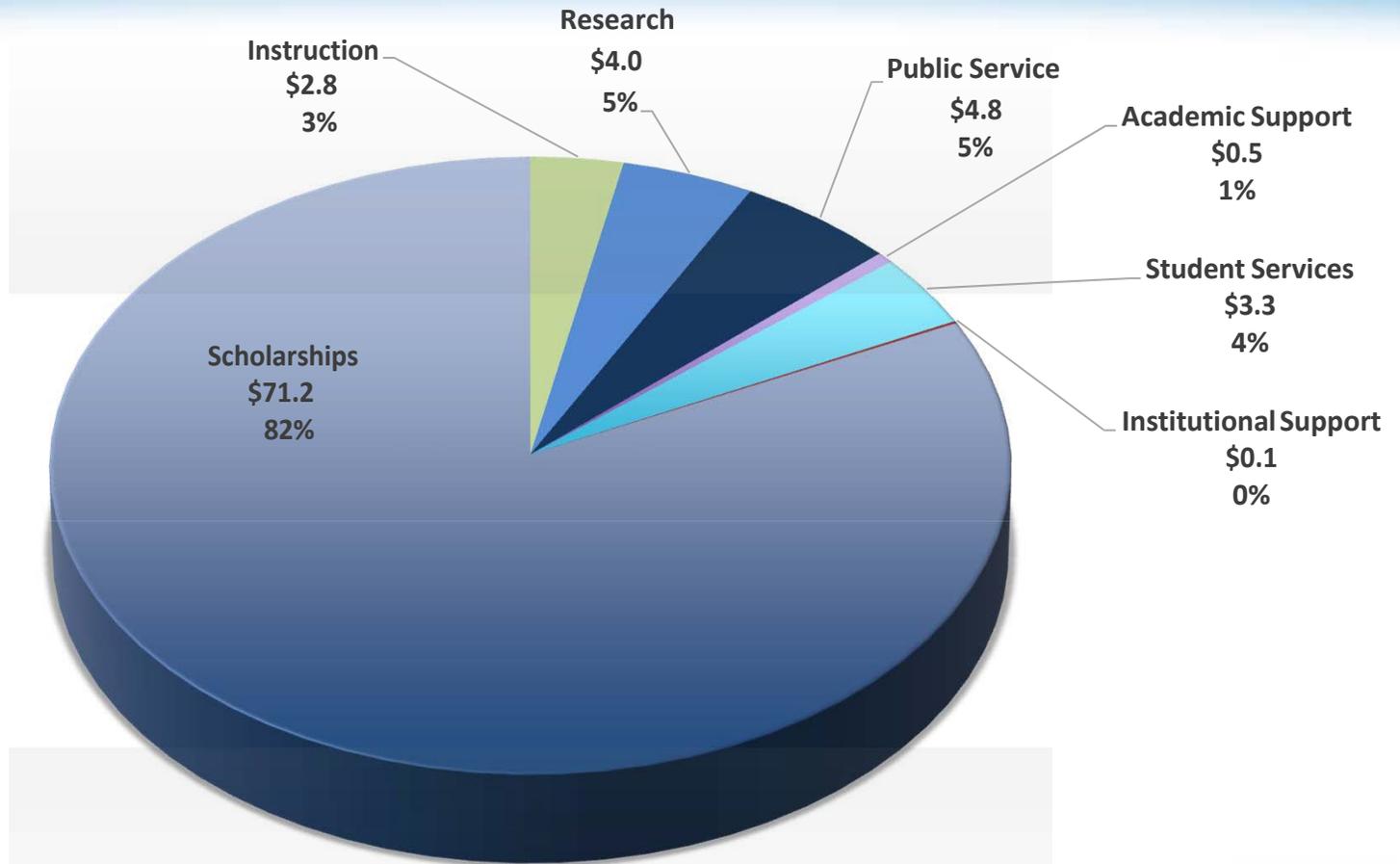
Revenues	2017-18 July Budget	2017-18 Revised Budget	Difference
Tuition and Fees	\$ 1,590,000	\$ 1,318,400	\$ (271,600)
Federal Grants and Contracts	42,000,000	42,500,000	500,000
State Appropriations: Centers of Excellence	371,800	374,500	2,700
State Appropriations: Special Allocations	489,500	489,500	-
State Grants & Contracts	36,750,000	37,700,000	950,000
Local Grants & Contracts	80,000	90,200	10,200
Private Grants & Contracts	600,000	800,000	200,000
Private Gifts	2,000,000	2,175,000	175,000
Endowment Income	725,000	900,000	175,000
Other Income	500,000	580,000	80,000
Total Revenues	<u>\$ 85,106,300</u>	<u>\$ 86,927,600</u>	<u>\$ 1,821,300</u>
Expenses			
Instruction	\$ 2,000,000	\$ 2,824,300	\$ 824,300
Research	2,800,000	4,000,000	1,200,000
Public Service	4,500,000	4,800,000	300,000
Academic Support	475,000	500,000	25,000
Student Services	2,800,000	3,300,000	500,000
Institutional Support	50,000	90,000	40,000
Operation and Maintenance	2,300	2,000	(300)
Scholarships and Fellowships	72,100,000	71,200,000	(900,000)
Total Expenses	<u>\$ 84,727,300</u>	<u>\$ 86,716,300</u>	<u>\$ 1,989,000</u>

Revised 2017-18 Restricted Revenue Budget (Millions)



Total Restricted Revenue Budget \$87.0

Revised 2017-18 Restricted Budget by Functional Total (Millions)



Total Restricted Budget \$86.7



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting

SUBJECT: [Exploration of the Option for Acquiring Outside
Legal Counsel for the Trustees](#)

DATE: December 5, 2017

ACTION REQUIRED: Voice Vote

BACKGROUND INFORMATION:

Chairman Jacobs was charged by the Finance and Personnel Committee at the November 29 meeting with the task of exploring options for acquiring outside legal counsel for the Board of Trustees.



Middle Tennessee State University
Board of Trustees

Tab 4

Executive and Governance Committee
Meeting
November 29, 2017



**Middle Tennessee State University
Board of Trustees**

MEETING: Executive and Governance Committee

SUBJECT: [President's Compensation](#)

DATE: December 5, 2017

PRESENTER: Committee Chairman Steve Smith

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: None

BACKGROUND INFORMATION:

The Executive and Governance Committee will discuss and provide the Board of Trustees a recommendation for the development of a compensation package for the President. In order to make the best-informed and most appropriate recommendation, it is recommended that through AGB Search, Dr. Joseph Johnston be retained as a consultant to provide compensation evaluation services in this regard. Information concerning these services and Dr. Johnston follow.



October 10, 2017

Stephen B. Smith
Chair, Board of Trustees
Middle Tennessee State University

Re: **Compensation Evaluation Service Engagement Letter**

Dear Mr. Smith:

AGB Search welcomes the opportunity to enroll Middle Tennessee State University in the Compensation Evaluation Service (CES). The CES assists colleges, universities, systems, coordinating boards, and institutionally-related foundations in identifying and evaluating best compensation practices and provides benchmarks helpful in recruiting and retaining presidents and other cabinet-level leaders.

This Engagement Letter, along with the enclosed Terms of Business, constitutes our Engagement Agreement. Below we describe the scope of work, identify the AGB Search consultant(s) that will be assigned to this engagement, and set forth our fees for the engagement.

Scope of Work

AGB Search will provide Middle Tennessee State University a written report providing appropriate benchmarks for the compensation of its president. The CES Report will provide the following:

1. Support for selection of peer and aspirant group institutions;
2. Salary statistics from peer and aspirant group institutions;
3. Assessment of additional compensation items and benefits as compared with peer and aspirant group institutions and the sector at large;
4. Additional guidance on the application of benchmarking to your particular institution; and
5. Overview of governance and legal considerations and best compensation practices;

AGB Search will not, as a part of the CES, participate in the negotiation of an employment or independent contractor agreement. AGB Search does not provide legal services, so you should arrange for your counsel to prepare any employment or independent contractor agreement required, or we can recommend qualified counsel to you for this purpose.

Consultant

Your consultant for this engagement will be Joseph S. Johnston, Jr., Ph.D., Senior Consultant, AGB Search. Joe will be responsible for coordination of this engagement, and you may contact him directly at any time with any questions you may have (jsj@agbsearch.com; 202-776-0827).

Pricing

Middle Tennessee State University shall pay AGB Search a fee of \$11,000 for the CES compensation analysis and written report. Our fee includes all administrative charges incurred directly by us as part of our overhead in the administration of this agreement.

Payment

We will submit an invoice to you for our fee for services provided under this Engagement Agreement in the amount of \$11,000 when the report is ready to be sent.

Please sign and return one copy of this Letter of Engagement to AGB Interim Search, 1133 20th Street, N.W., Suite 300, Washington, D.C. 20036 or to jsj@agbsearch.com. Please keep a copy for your files as well.

Please do not hesitate to contact us if you have questions or need additional information. We can be reached at 202-776-0827.

Sincerely,



Roderick J. McDavis
Managing Principal
AGB Search, LLC

Agreed:

On behalf of Middle Tennessee State University:

Please Print Name and Title

Signature and Date

Individual to Whom Invoice Should be Sent:

Name

Address



TERMS OF BUSINESS

Welcome to AGB Search. Thank you for choosing us to provide compensation evaluation services to you. These Terms of Business and our Engagement Letter form our Engagement Agreement.

AGB Search and You

1. Our Engagement Letter sets out the scope of our services and identifies you as our client.
2. AGB Search, LLC is an affiliate of the Association of Governing Boards of Universities and Colleges (AGB), a District of Columbia nonprofit charitable organization.
3. This Engagement Agreement is between you and AGB Search and not with any individual consultant, employee, contractor, or agent of AGB Search. The Terms apply as soon as we start acting on your instructions, regardless of whether or not you have signed the Engagement Letter.

Our Working Relationship

4. Effective compensation evaluations require open and honest communication throughout our relationship. We need you to provide us with clear and timely instructions, relevant information and documents, and make yourself available for consultation.

Fees and Costs

5. Our fees are set out in the Engagement Letter, but may be adjusted from time to time. You will be charged at our rates in effect at the time services are performed.
6. All payments for fees and expenses under this Engagement Agreement should be made payable to AGB Search by check or wire transfer.

Confidentiality

7. We agree that we will not disclose any Confidential Information provided to AGB Search by you to any third party without your prior written consent. For this purpose, "Confidential Information" includes, but is not limited to, all notes, books, papers, documents, reports, files, e-mail, memoranda, visual observations, oral communications, and all other data or information in whatever form, disclosed to AGB Search by you that either you have identified to us as confidential or that a reasonable person would expect to be confidential.

Independent Contractor Status

8. In performing services to you under this Agreement, we will be acting as an independent contractor. You will not have or exercise any control or direction over the methods by which we perform our work. Nothing contained in this Agreement should be construed as creating a partnership or a joint venture between us.

Limitation of Liability

9. You agree that in the event of any dispute regarding the services we provide to you, or for any claim related to our services that you may have, any liability we may have to you is limited to the total of our professional fees for the services we provided under this Engagement Agreement.

Termination

10. You may terminate the engagement at any time for any reason; we may also terminate the engagement at any time for any reason.
11. You remain responsible for paying our fees and costs related to work performed before the end of the engagement.

Completion of Engagement

12. Our work with you will end when we have completed the services described in the Engagement Letter or, unless otherwise agreed, after six months of furnishing no billable services to you, without the need for further written confirmation.

Arbitration

13. Any dispute between us arising out of, or in connection with, this Engagement Agreement will be determined by confidential arbitration under the rules of the American Arbitration Association, which determination will be final and binding on each of us, and judgment on this finding may be entered by any court of competent jurisdiction. Each of us will bear our own costs of arbitration.

Entire Agreement

14. The Engagement Agreement cannot be modified by any policies, procedures, guidelines, correspondence, or other document from you unless agreed to in writing by AGB Search. If there is a conflict between the Terms and the Letter, the provisions of the Letter control. If any part of our Engagement Agreement is held to be illegal, invalid or unenforceable, it shall not form part of the agreement and the balance shall remain enforceable and shall not be affected.

Amendment

15. No amendment of the terms of this Engagement Agreement will be binding or effective unless it is made in writing, dated after the effective date of this Engagement Agreement, and signed by both of us.



**AGB SEARCH/CUPA-HR COMPENSATION EVALUATION SERVICE (CES)
PROPOSAL PREPARED FOR
MIDDLE TENNESSEE STATE UNIVERSITY**

October 10, 2017

INTRODUCTION

The Compensation Evaluation Service (CES) is offered by AGB Search and the College and University Professional Association for Human Resources (CUPA-HR). It is designed to help colleges and universities determine what constitutes fair and fully competitive compensation for their senior leaders.

The Compensation Evaluation Service also supports institutional boards in their efforts to make that determination using a process that fulfills the requirements of good governance and complies with applicable laws and regulations. It helps establish a “presumption of reasonableness” in the determination of salary and benefits for a given position or set of positions. In this way it provides a defense for the institution, its leaders, and its board members against possible challenges that compensation for the position studied is “excessive.”

Middle Tennessee State University (or “the University”) is seeking expert third-party assistance in reviewing the current compensation of its President and possibly a number of other senior leaders to ensure it is defensible and responsive to the needs of the University going forward.

The following is our proposal to provide these services. We would be happy to answer any questions you may have.

A. Executive Summary

The CES provides a set of essential services that can help college and university boards more effectively review the compensation of senior executives and ensure that board members are fulfilling their fiduciary duty while implementing best practices and utilizing best-of-class data analysis. The CES helps ensure that salaries and benefits are competitive and fair, given relevant facts and circumstances, and are arrived at through a process that conforms to good governance practice and complies with relevant laws and regulations.

Specifically, the CES:

- uses proprietary algorithms and additional quantitative and qualitative analysis to help clients identify truly comparable and highly defensible institutional peer groups.
- provides CUPA-HR’s “gold-standard” data, the most current and highest-quality data available on salaries at peer institutions.

- presents information from CUPA-HR and a variety of other sources on non-salary compensation at peer institutions and in other relevant settings.
- gives advice on considerations that might lead to setting compensation elsewhere than at a range's midpoint and additional steps that should be taken to ensure compliance with the law and best practice in setting compensation.
- provides "one-stop shopping" for these services at a price below that of comparable services.

Through this process, we will provide Middle Tennessee State University with a comprehensive compensation analysis as described below (the CES Report). We will ordinarily complete our evaluation and recommendations within four to five weeks of the start of the engagement, barring unforeseen delays in obtaining needed data, documents, or input, and we can expedite the work if necessary.

B. Professional Experience

AGB Search, which operates the CES, focuses exclusively on higher education leadership, and conducts executive searches for college and university presidents, chancellors, provosts, vice presidents, deans, university system heads, and CEOs of coordinating boards and related foundations. Headquartered in Washington, D.C., our firm employs search consultants and research associates located throughout the country. AGB Search was founded by the Association of Governing Boards of Universities and Colleges (AGB). With more than 1,250 member institutions, AGB is the only national association that serves the interests of higher education leadership. Its mission is to strengthen and protect the nation's unique form of institutional governance through research, services, and advocacy. Higher education is in our organizational DNA, and our clients benefit from our ongoing association with AGB.

C. Personnel Qualifications

Joseph S. Johnston | Senior Consultant, AGB Search



Joseph S. Johnston, Jr. is Senior Consultant with AGB Search. He oversees AGB Interim Search, a service that provides institutions, systems and university foundations interim cabinet-level leadership, and the Compensation Evaluation Service, a partnership of AGB Search and the College and University Professional Association for Human Resources (CUPA-HR) that provides benchmarking of executive compensation. Over more than three decades, Dr. Johnston has served in a variety of positions in higher education; including Lecturer in English and Assistant to the President at Bryn Mawr College; Research Associate with the Institute for Research on Higher Education at the University of Pennsylvania; Vice President for Programs and Vice President for Education and Global Initiatives at the Association of American Colleges and Universities; and Senior Vice President at The

Washington Center. Dr. Johnston is the author of numerous publications, including a series of three books on the integration of liberal and professional education and a book on international education. He also co-authored [A Complete Guide to Presidential Search for Colleges and Universities](#) (Association of Governing Boards, 2013) with James P. Ferrare. He has also served on numerous governing and advisory boards in higher education. A Virginia native, Dr. Johnston graduated with Phi Beta Kappa honors from Randolph-Macon College. He holds a Ph.D. in English Literature from the University of Chicago and an M.B.A. in Finance from the Wharton School of the University of Pennsylvania.

D. Study Approach

THE COMPENSATION EVALUATION SERVICE (CES) PROCESS

1. PEER GROUP IDENTIFICATION

The compensation evaluation process begins with the identification of institutions that are true “comparables.” The CES assembles an extensive list of possible peers – universities that are in significant ways similar to Middle Tennessee State University. A first set is requested from the client itself. Others are generated using IPEDS data from the National Center for Educational Statistics and several different proprietary algorithms.

The master list generated is the starting point. In order to ensure that the final list can provide guidance on compensation for all the positions of interest, checks are made throughout the process of developing it to ensure it contains enough institutions to provide collectively the requisite number (eight or more) of data points for each of those positions.

We narrow the master list down through a series of deletions. We remove: duplicates; universities for which good data are not available because they did not participate in – or provide data on the position under study to - the CUPA-HR Administrators in Higher Education Survey; and universities that for purposes of compensation comparisons are likely to be problematic (because, for example, of a radically different location or mix of programs, or other factors).

The CES next takes the remaining possible peers and analyzes them in relation to institutional characteristics that are among those most likely to influence executive compensation. These include location, type, size, resources, cost, budget, faculty wage scale and selectivity. A carefully chosen set of IPEDS variables is used. Then the resulting data – constituting a bivariate analysis of the remaining institutions – are displayed in a spreadsheet.

To assist the client in using the spreadsheet, we include two summative measures. One is a simple measure of central tendency that indicates how closely on average the data of each candidate college or university conform to those of the client. The other is a measure of the variability of the data for each candidate institution. It indicates the number of characteristics, if any, on which each college or university is an “outlier” relative to the other candidates. Used in combination, these two measures further sharpen the analysis and make the data easier to interpret.

We send the resulting spreadsheet electronically to the client. We then arrange a phone call to summarize the methodology, answer any questions about it, and discuss the results. We welcome any requests from the client for further analysis and any suggestions as to the addition or deletion of institutions. Ultimately – and usually after an iteration or two involving the client – a final peer group is settled upon. The final choice of institutions for the peer group is, of course, the client’s.

Our work provides a strong quantitative foundation for the selection of peer colleges and universities. But there may nonetheless be a strong case for including institutions not otherwise brought forward. Done well, the process draws on quantitative analysis of high-quality data, the detailed knowledge of the client institution, and professional judgment regarding higher education as a whole. Joseph Johnston, Ph.D., Senior Consultant with AGB Search, works with the client throughout this phase of the evaluation and will welcome all perspective the institution itself can provide.

Once the client selects its peer group, we also request it to provide us an aspirant group – a set of schools to whose characteristics it realistically aspires. If the client needs analytical help to do this, the CES provides that as well.

Both groups – peer and aspirant – are then forwarded to CUPA-HR for use in pulling data on base salaries. They are also used by CUPA-HR and AGB Search in the analysis of non-salary compensation and the preparation of a full CES Report.

2. ANALYSIS OF BASE SALARY DATA

Base salary data for individuals in all requested positions in the peer and aspirant groups will be drawn from CUPA-HR's 2016 Administrators in Higher Education Salary Survey. Data will reflect salaries as of November 2016, published February 2017. The current Survey reflects the salaries of 55,197 administrators in 191 senior-level positions at 1,227 colleges and universities nationwide.

CUPA-HR conducts the Administrative Survey entirely online using Surveys Online (SOL), its web-based data collection and reporting system. Thousands of real-time and server-side validation checks are built into the questionnaire. These checks flag data that are significantly different from data reported last year by an institution, or that are extremely low or high. A final validation check flags computational and other potential errors. In order to submit its survey, an institution has to correct all "fatal" errors and correct or annotate all "serious" errors. The result is a database generally regarded in higher education as the gold standard on administrative compensation.

The CES Report will provide tables - Tables A and B, respectively - providing the following data on compensation for the subject positions within both the peer and aspirant groups:

- a list of institutions in the group
- a set of comparison group statistics based on the group's reported salaries: average, median, minimum and maximum.
- a set of additional percentiles (the 20th percentile is the dollar figure which 20% of all reported salaries in the group equal or fall below; the 40th percentile is the dollar figure which 40% equal or fall below, and so forth), and
- an ordinal ranking of the salaries at the group institutions (Data will not be identified by individual college or university).

3. ANALYSIS OF NON-SALARY COMPENSATION DATA

Data on non-salary compensation are drawn from several sources. Tables C, D, and E report on the client's peer group. Tables F, G and H report on the client's aspirant group. Table I and J provides benchmarks resulting from surveys of much larger sets of institutions.

Tables C, D, E, F, G and H: Peer and aspirant groups

As part of CUPA-HR's Administrators in Higher Education Survey, institutions are asked whether they provide selective executives any of five "executive-only" benefits or perks. Tables C (on peers) and F (on aspirant institutions) provide basic data on the frequency with which the institutions that responded provided each of several benefits or perks to individuals in the subject positions.

A second useful - albeit less current - source of data on non-salary compensation is the Chronicle of Higher Education. The most relevant information from this sources is presented in Tables D and E (on peers) and G and H (on aspirant institutions).

Tables I and J: National sets of institutions

Table I provides the frequency data on the five "executive only" benefits and perks collected by the CUPA-HR Administrators in Higher Education Survey for senior leaders at all responding institutions of similar type (baccalaureate, masters, doctoral, etc.).

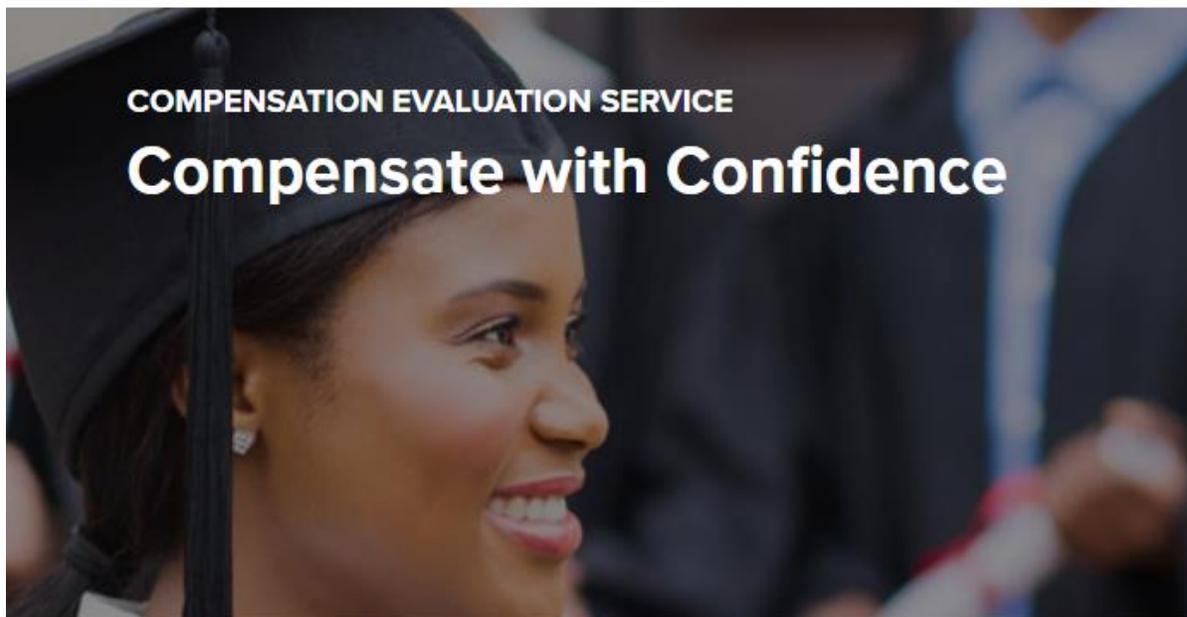
As additional context, Table J provides similar frequency data on a much larger set of "agreed-upon conditions of employment" reported by presidents of colleges and universities broadly similar in type to the client institution (baccalaureate, masters, etc.).

F. Fees

The fixed fee for a CES Report on one position is \$11,000. Additional analyses are provided for \$1650 per position.

G. Additional Information

AGB Search thanks Middle Tennessee State University for the opportunity to provide this proposal. If there are any questions, please feel free to contact Joseph Johnston at jsj@agbsearch.com or 202-776-0827



AGB Search offers the Compensation Evaluation Service (CES) to help our clients establish appropriate and effective compensation levels for top institutional leaders. Colleges and universities must be judicious in approaching executive pay to attract and retain top talent, as well as stand up to scrutiny.

Using the College and University Professional Association for Human Resources (CUPA-HR) data on higher education compensation, the CES helps institutions set executive pay and benefits at sound and competitive levels.

The customized CES analysis and report includes:

- Assistance in identifying a set of comparable peer group institutions
- Comparison-group salary analyses for a given position or set of positions
- Information on benefits and other components of compensation within the peer group
- Guidance on additional considerations that should inform decisions about compensation

If requested, the CES can also provide:

- Assistance with the development of a compensation package
- Support for the development of a statement of compensation philosophy
- Counsel on and a letter attesting to the institution's compliance with law and best practice

The CES report is provided at a competitive price, in accordance with the institution's budget.

To discuss how the CES can help your institution, contact Joseph Johnston, Ph.D. or call 202.776.0827.

[Download a brochure.](#)

CONSULTANT

Joseph Johnston



Email Joseph Johnston

SENIOR CONSULTANT, INTERIM SEARCH AND COMPENSATION EVALUATION

Joseph S. Johnston, Jr. is Senior Consultant for AGB Interim Search and the AGB Search/CUPA-HR Compensation Evaluation Service. AGB Interim Search, provides institutions, systems and university foundations interim cabinet-level leadership. The Compensation Evaluation Service, a partnership of AGB Search and the College and University Professional Association for Human Resources (CUPA-HR) provides benchmarking of executive compensation.

Over more than three decades, Dr. Johnston has served in a variety of positions in higher education; including Lecturer in English and Assistant to the President at Bryn Mawr College; Research Associate with the Institute for Research on Higher Education at the University of Pennsylvania; Vice President for Programs and Vice President for Education and Global Initiatives at the Association of American Colleges and Universities; and Senior Vice President at The Washington Center.

Dr. Johnston is the author of numerous publications, including a series of three books on the integration of liberal and professional education and a book on international education. He also co-authored *A Complete Guide to Presidential Search for Colleges and Universities* (Association of Governing Boards, 2013) with James P. Ferrare.

Dr. Johnston has served on a number of governing and advisory boards. These include the Board of Advisors of the National Security Education Program, the Board of Visitors of the University of North Carolina–Asheville, and the Board of Directors of the National Humanities Alliance. He was a member of the Board of Trustees of Warren Wilson College for fifteen years.

A Virginia native, Dr. Johnston graduated with Phi Beta Kappa honors from Randolph-Macon College. He holds a Ph.D. in English Literature from the University of Chicago and an M.B.A. in finance and planning from the Wharton School of the University of Pennsylvania.



Middle Tennessee State University
Board of Trustees

Tab 5

Policy 103 Free Speech on Campus



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting
SUBJECT: [Policy 103 – Free Speech on Campus](#)
DATE: December 5, 2017
PRESENTER: Board Secretary Heidi Zimmerman
ACTION REQUIRED: Voice Vote
STAFF RECOMMENDATION: Approval

Background Information:

2017 Public Acts, Chapter 336 established the “Campus Free Speech Protection Act” (Act) and mandates that the governing body of every public institution of higher education to adopt a policy consistent with its provisions. Policy 103 Free Speech on Campus is proposed to meet this requirement. The provisions of the draft policy are drawn almost verbatim from the Act. The policy affirms our commitment to compliance with the First Amendment to the U.S. Constitution. The policy will become effective January 1, 2018.

103 Free Speech on Campus

Approved by Board of Trustees

Effective Date: January 1, 2018

Responsible Division: President

Responsible Office: Office of the University Counsel

Responsible Officer: University Counsel

I. Purpose

This policy affirms the principles of free speech on Middle Tennessee State University's (MTSU or University) campus.

II. Definitions

- A. Constitutional Time, Place and Manner Restrictions. Restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the U.S. Constitution or Article I, Section 19 of the Tennessee Constitution that are reasonable, content and viewpoint neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message of its intended audience.
- B. Faculty or Faculty Member. Any person, whether or not the person is compensated by MTSU, and regardless of political affiliation, who is tasked with providing scholarship, academic research or teaching. For the purposes of this policy, faculty includes tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors and those in comparable positions, however titled. For the purposes of this policy, faculty does not include persons whose primary responsibilities are administrative or managerial.
- C. Free Speech. Speech, expression, or assemblies protected by the First Amendment of the U.S. Constitution or Article I, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. Free speech does not include the promotion, sale, or distribution of any product or service.
- D. Student. For the purposes of this policy, an individual currently enrolled in a course of

study at MTSU; or, an organization that is comprised entirely of individuals currently enrolled in a course of study at MTSU and registered with MTSU pursuant to [MTSU Policy 561 Student Organization Operations](#).

III. Policy

- A. MTSU affirms that students have a fundamental constitutional right to free speech.
- B. MTSU is committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to limitations set forth in this policy, or in state or federal law.
- C. MTSU is committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of MTSU's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- D. Students and faculty are allowed to make judgments about ideas for themselves and to act on those judgments, not by seeking to suppress free speech, but by openly and vigorously contesting the ideas they oppose.
- E. It is not MTSU's role to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
- F. Although MTSU greatly values civility and mutual respect, the University will not use concerns about civility and mutual respect as justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.
- G. Although all students and faculty are free to state their own views about and contest the views expressed on campus, and to state their own views on MTSU's campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, MTSU promotes a lively and fearless freedom of debate and deliberation and protects that freedom.
- H. MTSU is committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who are always free to inquire, to study, and to evaluate, and to gain new understanding.
- I. The primary responsibility of faculty is to engage in an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their

competence.

- J. Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty shall be cautious in expressing personal views in the classroom and shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded the statements they make about subjects within areas of their competence; provided, no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction.
- K. As set forth in [MTSU Policy 100 Use of Campus Property and Facilities Scheduling](#), Section IV. B. 2. c., MTSU will maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students and will not restrict students' free speech only to particular areas of the campus.
- L. MTSU will not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates.
- M. MTSU will not establish permitting requirements that prohibit students' spontaneous outdoor assemblies or students' outdoor distribution of literature, but will allow members of the MTSU community to reserve certain outdoor space in advance, consistent with [MTSU Policy 100 Use of Campus Property and Facilities Scheduling](#), Section IV. B. 2. c.
- N. MTSU will not charge students security fees or costs based on the content of their speech, the content of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech.
- O. MTSU will allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers consistent with [MTSU Policy 100 Use of Campus Property and Facilities Scheduling](#), Sections IV. B. 2. d. and IV. B. 3.
- P. MTSU will not disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.

IV. Effect of Policy

- A. Nothing in this policy shall require MTSU to fund costs associated with student speech or expression.
- B. Nothing in this policy shall be construed as prohibiting MTSU from imposing measures that do not violate the First Amendment to the U.S. Constitution or Article I, Section 19 of the Tennessee Constitution such as:
 - 1. Constitutional time, place, and manner restrictions;
 - 2. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
 - 3. Restricting the use of MTSU's property to protect the free speech rights of students and faculty and preserve the uses of the property for the advancement of MTSU's mission;
 - 4. Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the U.S. Constitution or Article I, Section 19 of the Tennessee Constitution; or
 - 5. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as rules enacted by faculty.

Forms: none.

Revisions: none.

References: 2017 Public Acts, Chapter 336; MTSU Policies 100 Use of Campus Property and Facilities Scheduling; 561 Student Organization Operations; First Amendment of the U.S. Constitution; Article I, Section 19 of the Tennessee Constitution.



State of Tennessee

PUBLIC CHAPTER NO. 336

SENATE BILL NO. 723

**By Overbey, Tracy, Bailey, Bowling, Briggs, Crowe, Gresham, Kelsey, Niceley, Stevens,
Yager**

Substituted for: House Bill No. 538

By Smith, McCormick, Lamberth, Harry Brooks, Mark White, DeBerry, Dunn, Williams, Moody,
Kane, Coley, Ragan, Rogers, Daniel, Terry, Powers

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding Sections 2 through 9 of this act as a new part.

SECTION 2. This part shall be known and may be cited as the "Campus Free Speech Protection Act."

SECTION 3. The requirements of this part shall apply to every public institution of higher education in this state.

SECTION 4. (a) The general assembly finds and declares that public institutions of higher education in Tennessee are not immune from the sweep of the First Amendment to the United States Constitution or Article I, Section 19, of the Tennessee Constitution, which guarantees freedom of speech and expression.

(b) It is the intent of the general assembly that the public institutions of higher education embrace a commitment to the freedom of speech and expression for all students and all faculty.

(c) It is further the intent of the general assembly that public institutions of higher education, including their faculty, shall not require students or other faculty to adopt or to indicate their adherence to beliefs or orthodoxies on any particular political, philosophical, religious, social, or other such subject, although institutions may require students and faculty to conform their conduct to the requirements of law and policy.

(d) It is further the intent of the general assembly that public institutions of higher education not stifle freedom of speech and expression by implementing vague or overbroad speech codes, establishing free speech zones, imposing unconstitutional prior restraints on speech, or disinviting speakers based on the anticipated reaction or opposition of others to the content of speech.

SECTION 5. As used in this part, unless the context requires otherwise:

(1) "Constitutional time, place, and manner restrictions" means restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution that are reasonable, content- and viewpoint-neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience;

(2) "Faculty" or "faculty member" means any person, whether or not the person is compensated by a public institution of higher education, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching. For purposes of this part, the term "faculty" shall include tenured and non-tenured professors, adjunct

professors, visiting professors, lecturers, graduate student instructors, and those in comparable positions, however titled. For purposes of this part, the term "faculty" shall not include persons whose primary responsibilities are administrative or managerial;

(3) "Free speech" means speech, expression, or assemblies protected by the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. "Free speech" does not include the promotion, sale, or distribution of any product or service;

(4) "Institution" means an institution of public higher education in this state; and

(5) "Student" means:

(A) An individual currently enrolled in a course of study at the institution; and

(B) An organization that is comprised entirely of individuals currently enrolled in a course of study at the institution, that is registered with an institution pursuant to institutional rules.

SECTION 6. (a) The governing body of every institution shall adopt a policy that affirms the following principles of free speech, which are the public policy of this state:

(1) Students have a fundamental constitutional right to free speech;

(2) An institution shall be committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to Section 9;

(3) An institution shall be committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;

(4) It is for an institution's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose;

(5) It is not the proper role of an institution to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;

(6) Although an institution should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty;

(7) Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the institution's campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, an institution has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom;

(8) An institution shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding;

(9) The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence;

(10) Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty shall be cautious in expressing personal views in the classroom and shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded statements they make about subjects within areas of their competence; provided, that no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction;

(11) An institution shall maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students;

(12) An institution shall not restrict students' free speech only to particular areas of the campus, sometimes known as "free speech zones" ;

(13) An institution shall not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates;

(14) An institution shall not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although an institution may maintain a policy that grants members of the college or university community the right to reserve certain outdoor spaces in advance;

(15) An institution shall not charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech;

(16) An institution shall allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers; and

(17) An institution shall not disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.

(b) The policy adopted pursuant to subsection (a) shall be made available to students and faculty annually through one or more of the following methods:

(1) Published annually in the institution's student handbook and faculty handbook, whether paper or electronic;

(2) Made available to students and faculty by way of a prominent notice on the institution's internet site other than through the electronic publication of the policy in the student handbook and faculty handbook;

(3) Sent annually to students and employees to their institutionally-provided email address; or

(4) Addressed by the institution in orientation programs for new students and new faculty.

(c) Nothing in this section shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

SECTION 7. (a) With respect to disciplining students for their speech, expression, or assemblies, an institution shall adopt a policy on "student-on-student harassment" defining the term consistent with and no more expansively than the language contained in subsection (b).

(b) As used in this section, "student-on-student harassment" means unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law, and that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit.

SECTION 8. Nothing in this part shall require an institution to fund costs associated with student speech or expression. An institution shall not impose costs on students or student organizations on the basis of the anticipated reaction or opposition to a person's speech by listeners.

SECTION 9. Nothing contained in this part shall be construed as prohibiting an institution from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution such as:

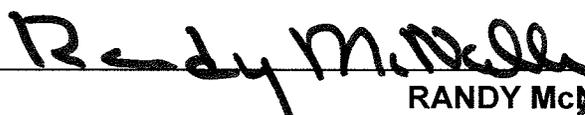
- (1) Constitutional time, place, and manner restrictions;
- (2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;
- (3) Restricting the use of the institution's property to protect the free speech rights of students and faculty and preserve the use of the property for the advancement of the institution's mission;
- (4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Section 19 of the Tennessee Constitution; or
- (5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.

SECTION 10. The governing body of each public institution of higher education in this state is authorized to promulgate rules to effectuate the purposes of this act in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 11. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2018, the public welfare requiring it.

SENATE BILL NO. 723

PASSED: May 1, 2017

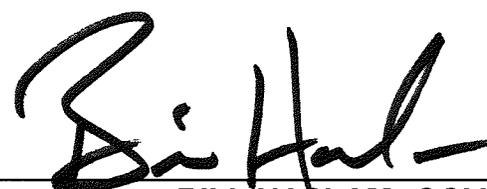


RANDY McNALLY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of May 2017



BILL HASLAM, GOVERNOR



Middle Tennessee State University
Board of Trustees

Tab 6

Report of Board Secretary
Heidi Zimmerman



**Middle Tennessee State University
Board of Trustees**

MEETING: December Quarterly Board Meeting
SUBJECT: [Board Secretary Report](#)
DATE: December 5, 2017
PRESENTER: Board Secretary Heidi Zimmerman
ACTION REQUIRED: Information Only

Background Information:

The Board Secretary was delegated limited authority to make technical revisions in policies and rules with the provision that a report be made to the Board of Trustees concerning what revisions have been made. Revisions have been made to four (4) policies as indicated.

Policy	Date Edited	Explanation
202 Faculty Definition, Roles, Responsibilities, and Appointment Types	11/7/2017	In Section VI.B.2.b. the words "or lecturer" were inadvertently left out. Sentence was corrected to read: "Six (6) years of full-time collegiate experience in the academic discipline or related area as an instructor or lecturer."
205 Promotion of Tenured and Tenurable Faculty	9/20/2017	In Section V.A., added "See Section V.C." and also changed "...in Section III.D." to "...in Sections V.D. and E."
605 Reports of Expenditures by the President	10/24/2017	Section V. was accidentally labeled Section IV. Typo was corrected.
658 Travel	10/31/2017	In Section X.A.2., the two references to "III.E.2." were corrected to "IV.E.2."