



**Middle Tennessee State University
Board of Trustees
Finance and Personnel Committee**

Monday, March 18, 2019
1:00 pm

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



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

March 18, 2019
1:00 pm

AGENDA

Call to Order and Opening Remarks

Roll Call

Approval of Minutes (Action)Tab 1

Rule Promulgation and Related Policy Revision (Action)Tab 2

- 1. 775 Traffic, Parking, and Safety Enforcement

Building Naming – Stark Agriculture Center (Action)Tab 3

MTSU Foundation Agreement (Action)Tab 4

Governor’s 2019-20 Budget (Information)Tab 5

CFI Ratios (Information)Tab 6

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

Action Item

DATE: March 18, 2019

SUBJECT: [Approval of Minutes](#)

PRESENTER: Joey Jacobs
Chairman

BACKGROUND INFORMATION:

The Finance and Personnel Committee met on November 13, 2018. Minutes from this meeting are provided for your review and approval.

**MINUTES OF THE
FINANCE AND PERSONNEL COMMITTEE**

The Finance and Personnel Committee met on Tuesday, November 13, 2018 at the MTSU Miller Education Center.

Call to Order and Roll Call

Committee Chair Joey Jacobs called the meeting to order at 11:15 a.m. A quorum was present with the following Committee members in attendance: Joey Jacobs, Steve Smith, J.B. Baker, Pete DeLay, Tony Johnston and Peyton Tracy. Trustee Darrell Freeman was unable to attend. Also present were Trustees Chris Karbowskiak, Pam Wright and Andy Adams; Sidney A. McPhee, President; Alan Thomas, Vice President for Business and Finance; Mark Byrnes, University Provost; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Joe Bales, Vice President for University Advancement; Debra Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services; Andrew Oppmann, Vice President for Marketing and Communications; Heidi Zimmerman, University Counsel and Board Secretary; and Brenda Burkhart, Chief Audit Executive.

Approval of Minutes – Action

The first item on the agenda was approval of the minutes from the August 28, 2018 Finance and Personnel Committee meeting. Trustee Johnston moved to approve the minutes and Trustee Baker seconded the motion. A voice vote was taken and the motion to approve the minutes from the August 28, 2018 Finance and Personnel Committee meeting carried.

2019-20 Capital Outlay and Capital Maintenance Requests Update - Information

Bill Waits, Assistant Vice President for Campus Planning, provided the Committee with an update on the School of Concrete and Construction Management (SCCM) project submittal that was approved

by the MTSU Board of Trustees in June of this year. He informed the Committee that MTSU's SCCM project ranked #3 overall in the Tennessee Higher Education Commission's (THEC) ranked priority list of projects. In addition, it was the top ranked Locally Governed Institution (LGI) project on the list. While there is no certainty the project will be included in the 2019-20 Governor's Budget, the number three (3) ranking provides some optimism for receiving funding for the project. Mr. Waits then provided an update on the five (5) capital maintenance projects approved by the Board in June for the 2019-20 fiscal year with a total budget of \$8.1 million. The University was informed in late September that THEC requested an additional \$30 million in capital maintenance funding for higher education. This resulted in an additional \$2,030,000 in funding for MTSU bringing the total recommended funding amount to \$10 million. This enabled the University to increase existing project budgets for the Kirksey Old Main mechanical, HVAC, lighting, and ceiling upgrades. Additionally, the scope of work was revised to include window replacements and phase one of the campus-wide storm water project. Phase one of the sidewalk repair and replacement project was moved from 2020-21 to 2019-20.

THEC 2019-20 Operating Recommendations - Information

The next item on the agenda was a report from Vice President Thomas on the recommendations made by THEC at its fall meeting. The recommendation for MTSU on 2019-20 operating appropriations was a \$4.5 million (4.4%) increase over the 2018-19 appropriations. The net increase resulted from a combined decrease of \$1.5 million in the outcomes formula and a \$6 million increase in proposed new formula funding. Mr. Thomas explained that the increase does not come to the University as totally unrestricted operating appropriations. As in prior years, some of the increase could become funding for mandated salary increases. An update on any proposed funding and salary increases will be provided when the Governor's Budget is presented in early 2019. Mr. Thomas further informed the Committee that THEC is recommending a zero to two-and-a-half percent guidance range for tuition (maintenance fee) as well as a zero to two-and-a-half percent guidance range for tuition and mandatory fee increases combined. This guidance will allow the University to start developing a recommendation for any increase in tuition and fees. A final binding tuition range will be approved by THEC once the Governor's Budget is approved in late spring. Mr. Thomas explained to the Committee how improvement in the funding formula metrics resulted in a \$1 million gain in funding for the University. Dr. McPhee noted how the metrics are

negatively affected by the (low) number of masters and specialist degrees offered by the University, which is the result of a change by the state in teacher pay raises for advanced degrees, and the significant decline in research services due to the loss of a \$27 million grant from the state. He emphasized that even though the University is working hard to make progress in both of these areas, there are still many issues with the funding formula process that must be addressed by the state to make the process more equitable. Much discussion ensued concerning the factors that contribute to the University being disadvantaged under the current funding calculation. Board Chair Smith pointed out the necessity of developing a constructive plan to address these issues during the next legislative session. Dr. McPhee informed the Committee that he is currently working with the firm hired to represent the University on legislative strategies for the upcoming session.

2018-19 October Revised Budget – Recommendation

The next agenda item was a recommendation for approval of the 2018-19 October Revised Operating Budget. Mr. Thomas presented information to the Committee regarding the following changes made since the July (Original) Budget:

- includes the remainder of the 2.84 % tuition increase approved at the June Board meeting,
- reflects actual fall enrollment,
- reflects adjustments for tuition benefits,
- adjusts expenditure budgets, and
- includes adjustments for new information regarding state appropriations obtained since the July Budget submission.

He noted that the total University Budget increased \$1.6 million from July to October.

Discussion ensued concerning the process for endowment income payouts for the Chairs of Excellence and the classification of restricted and unrestricted private gifts in relation to the budget. Mr. Thomas explained that the Chairs of Excellence funding is held at the state level and not reflected in the University's budget. Only the payout of interest earnings, currently set at 4%, is reflected in the budget each year. Chairman Jacobs called for a motion to approve the 2018-19 October Revised Operating Budget. The motion was made by Trustee Johnston and

seconded by Trustee DeLay. A voice vote was taken and the motion to approve the 2018-19 October Revised Operating Budget carried.

Compensation Update – Information

Mr. Thomas asked Assistant Vice President Kathy Musselman to provide an update on the \$6.1 million salary pool allocation approved by the Board on May 30, 2018. Ms. Musselman reported the following information to the Committee:

- Awarded a 1.5% or \$500 cost of living adjustment (COLA), whichever is greater, for regular employees, both full and part-time, on the payroll as of June 30, 2018, effective July 1, 2018.
- The remaining allocation of the mandated salary pool, along with an addition \$2 million, was used to fund market adjustments and related benefits based on the University's compensation plan for employees on the payroll as of June 30, 2018, effective October 1, 2018.
- Faculty increases were funded at 37% of the predicted salary based on 2014-15 CUPA data by academic discipline. Administrative and classified increases were funded at 37% of the predicted salary based on MTSU years of experience.
- Salary ranges for Classified and Administrative employees were increased by 14.01% based on 2014-15 CUPA data.

Ms. Musselman stated that although progress was made with the COLA salary increases and the market adjustments, the majority of MTSU employees are still compensated below their predicted salary based on 2014-15 CUPA data. It would cost an additional \$4.8 million plus benefits to fully implement the plan. She informed the Committee that a comparison of the adjusted salaries to the current CUPA data for 2017-18 would be presented at the next Committee meeting. Dr. McPhee indicated that feedback from the faculty concerning the Board's decision to address the market salary issues had been very positive. He asked Faculty Senate President, Dr. Pippa Holloway, to provide information concerning the Faculty Senate's role in providing consultation and feedback in the planning and implementation of the salary

plan. Dr. Holloway provided a brief report to the Committee and indicated that possible recommendations for phase two of the plan are currently being discussed.

Regional Scholars Program – Recommendation

The next agenda item concerned a recommendation for expanding the Regional Scholars Program for both undergraduate and graduate students to include the entirety of Border States. Mr. Thomas provided the Committee with a brief overview of the current program requirements as outlined in the background information in the meeting materials. He then presented the following undergraduate scenarios for consideration in expanding the program to include the entirety of all Border States:

- Maintain the current academic requirement of a minimum 25 ACT
- Revise the academic requirement to a minimum ACT of 23
- Remove the ACT academic requirement altogether

Mr. Thomas directed the Committee to a financial analysis of each proposed scenario provided in the meeting materials. After explanation of the calculated budget impact of each scenario, Mr. Thomas stated that the University is recommending approval of expanding the program to include the entirety of Border States for both graduates and undergraduates and maintaining the current 25 ACT requirement for undergraduates. He indicated with the reduced tuition rates and higher scholarships, it is feasible to believe enrollment will exceed the requirement of increasing from 9 students to 25 students over a four year period to remain revenue neutral. Dr. McPhee also stated that based on recent recruiting trips, he is optimistic that the University will exceed this projection. Mr. Thomas then drew the Committee's attention to the graduate program calculation under the proposed scenario. He noted that an increase from 6 to 11 students over a four year period would be necessary for the graduate program to remain revenue neutral. Trustee DeLay moved to approve the expansion of the Regional Scholars Program for both undergraduate and graduate students to include the entirety of all Border States and to maintain the current academic requirements for both undergraduate and graduate students. Trustee Johnston seconded the motion. A voice vote was taken and the motion carried. Dr. McPhee thanked the Committee for approving the recommendation.

Tuition Transparency Act – Recommendation

The final agenda item concerned the Tuition Transparency Act passed in the 2018 legislative session which requires university boards to develop a list of factors to be considered when developing recommendations to increase tuition and mandatory fees. The following list of factors was presented for the Committee's approval:

- 1) Tennessee Higher Education Commission (THEC) binding tuition and mandatory fee increase ranges;
- 2) Level of state support;
- 3) Total cost of attendance (which includes tuition cost, mandatory fees, room and board, books, and other educational expenses);
- 4) Efforts to mitigate the financial effect on students; and
- 5) Other factors deemed appropriate by the University such as enrollment goals, market factors, new facility costs, new program costs, and costs related to general campus operations.

Mr. Thomas noted that the first two factors were taken directly from the Tuition Transparency Act, and the others were developed in conjunction with the other Locally Governed Institutions (LGIs) and the Tennessee Board of Regents (TBR). He indicated these factors will be used in recommending increases in tuition and mandatory fees starting with the 2019-20 academic year. Trustee Baker moved to approve the list of factors and Trustee Johnston seconded the motion. A voice vote was taken and the motion to approve the list of factors to be considered when developing recommendations for increases in tuition and mandatory fees carried.

The meeting adjourned at 12:13 p.m.

Respectfully submitted,
Finance and Personnel Committee



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

Action Item

DATE: March 18, 2019

SUBJECT: Policy 775 – Traffic, Parking, and
Safety Enforcement
Rule 0240-07-03 Traffic, Parking, and
Safety Enforcement

PRESENTER: Alan Thomas
Vice President for Business and
Finance

BACKGROUND INFORMATION:

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

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

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

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



775 Traffic, Parking, and Safety Enforcement

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Business and Finance

Responsible Office: Administration

Responsible Officer: Assistant Vice President, Administration

I. Purpose

This policy will define Middle Tennessee State University (MTSU or University) traffic, parking, and safety enforcement. It will facilitate the orderly and efficient flow of traffic on the MTSU campus and property owned by MTSU, endeavor to provide a safe atmosphere for both pedestrians and vehicle operators, and provide order with regard to parking within limited space.

II. Scope

MTSU reserves the right to regulate the use and/or parking of all vehicles on its campus or on property owned by MTSU in accordance with this policy and to forbid the use of a vehicle by any person whose operation of the vehicle fails to comply with University policies, City of Murfreesboro ordinances, and/or Tennessee state laws pertaining to vehicles.

III. Definitions

- A. Campus. The main MTSU campus and any additional property owned by the University.
- B. Vehicle. Any self-propelled vehicle, including, but not limited to, automobiles, motorcycles, scooters, mopeds, and golf carts capable of exceeding twenty-five (25) miles per hour over level, paved surfaces.
- C. Visitor. Any person on the campus who is not a current student, member of the faculty, staff, or administration.

IV. Registration of Vehicles and Parking Permits

- A. All students and employees must register vehicles they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle

parked on campus must display a current and valid parking permit. Failure to do so may result in the issuance of a parking citation.

- B. The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- C. The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the [Parking Services website](#), and the Traffic and Parking Regulations handbook.
- D. Parking permits may be denied for any student or employee who has outstanding fines from prior semester(s) until they are paid in full. The first citation issued to an employee for an expired parking permit may result in towing of the vehicle.
- E. Parking permits are issued to students only after all registration fees are paid.
- F. The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle with the decal number facing the outside of the vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible when viewing the vehicle or the parking permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.
- G. The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.
- H. It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person. Parking permits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking permits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may be cited with a fine for their actions.
- I. Temporary Parking Permits may be issued to employees, students, and visitors as identified on the [Parking Services](#) website.
- J. Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a

temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may not be waived.

- K. Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
1. To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.
 2. Temporary disabled permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the individual requesting the permit), provided that the request is accompanied by a physician's statement certifying the impairment.
 - a. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.
 - b. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
 3. The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.
 4. Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.
- L. Parking permit colors. The area authorized for parking is denoted by the color of the parking permit.
1. White - Available to faculty/administrators/staff (including resident directors and graduate assistants).
 2. Green - Available to commuter students.
 3. Blue - Available to students and employees with qualified disabilities.
 4. Red - Available to on-campus residents.
- M. The following parking spaces are reserved as noted:
1. Disabled Parking, Health Services, Library staff, Housing staff, Maintenance spaces, President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.

2. Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.
- N. Parking is allowed only in clearly designated parking spaces. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.
- O. All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:
 1. Old Main Circle and Faulkenberry Drive (on-street parking)
 2. Davis Science Lot
 3. Honors Lot
 4. Founders Lot
- P. If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.
- Q. Damaged parking permits must be replaced within three (3) business days.
- R. The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University policies.
- S. No personal recreational or work travel trailers should be parked or stored on campus property, except as authorized.
- T. Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

V. Operation of Vehicle Enforcement

- A. All Tennessee laws, City of Murfreesboro ordinances, and University policies pertaining to vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.
- B. Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.

- C. Moving violations will be charged to the operator of the vehicle at the time of the violation.
- D. Speed limits are posted throughout the campus. All speed limits are radar enforced.
- E. Passing on campus is prohibited.
- F. All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- G. Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- H. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, or as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- I. All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- J. All vehicles must come to a complete stop for a school bus loading or unloading children.
- K. Any person who drives in willful and wanton disregard for the safety of persons or property will be considered to have engaged in reckless driving.
- L. The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- M. U-turns are prohibited on the campus.
- N. Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
- O. Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

VI. Towing/Booting of Vehicles

- A. Vehicles may be towed/booted if the vehicle is parked or left in violation of University policies, City of Murfreesboro ordinances, and/or Tennessee laws pertaining to motor

vehicles, if said vehicle constitutes a traffic/pedestrian hazard if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website. The owner/parking permit holder of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting.

- B. Any person whose vehicle is impounded may appeal such action as provided below in Section XI and on the [Parking Services](#) website.
- C. If a boot is removed by the owner/parking permit holder of the vehicle and damaged, the owner/parking permit holder will be responsible for the cost of the boot as well as the fine and boot removal fee. The owner/parking permit holder of the vehicle may be prosecuted if a boot is improperly removed or damaged.

VII. Violations and Penalties

- A. Fines may be assessed for violations found on the [Parking Services website](#). Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- B. Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parking meters.
- C. Overtime parking citations (meters) may be issued every hour.
- D. All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- E. Any student with unpaid parking fines may not receive grades or transcripts or be able to register for the next semester until the fines are paid.
- F. A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
 1. operating a vehicle while impaired;

2. leaving the scene of an accident;
3. failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or
4. failure to obey an officer directing traffic.

VIII. Visitors

- A. Visitors are subject to the policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.
- B. All visitors are requested to use parking meters or obtain a visitor's parking permit at either the Parking and Transportation Services Office or its website. Visitor parking permits may not be issued to vehicles registered to current students or employees. See [Visitor Parking](#) website.
- C. Upon securing a visitor parking permit, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved.
- D. Requests for special guest parking permits should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance.

IX. Resident Parking

- A. All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- B. Any on-campus resident who holds a valid MTSU Blue parking permit may park in any clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- C. Any resident who holds a valid MTSU White parking permit may park in any clearly marked White, Red, or Green permit parking area.

X. Bicycles on Campus

- A. All bicycles on MTSU property must be operated in accordance with all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.

- B. Employees and students using bicycles on campus must register them with Parking and Transportation Services to ensure proper return if recovered after theft, confiscation due to illegal or improper parking, or abandonment.
- C. Bicycle racks are available throughout campus for bicycle parking. Bicycles may not be parked in any other areas not designated for such parking.
- D. Bicycles that are inappropriately parked, in a state of disrepair (flat tires, bent rims, broken chains, etc.) or abandoned (appearance of non-use, etc.) are subject to impoundment.

XI. Appeal of Citations

- A. Any MTSU student, other than a student holding a faculty/administrative/staff parking permit, who receives a parking/traffic citation may appeal the citation within fifteen (15) calendar days of issuance by going to the [SGA website](#) which provides the specific hearing procedures.
- B. Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit who receives a citation may appeal the citation within fifteen (15) calendar days of issuance by filing an appeal form or by going to the [Parking Services](#) website. Specific hearing procedures are described at the website.
- C. Any MTSU student or employee who has his/her vehicle towed may appeal such action as indicated above. This can be done only after the vehicle has been secured from impoundment and within seven (7) calendar days of the towing date.
- D. All appeal decisions are available on the Parking Services website. Individuals who have appealed will also be notified of the appeal decision through the email address provided with the appeal. The appeal decision is final.
- E. The payment of citations will in no way restrict the Office of Student Conduct or the University Parking and Traffic Committee from revoking parking privileges.

Forms: none.

Revisions: June 5, 2017 (original); March 27, 2018; _____, 2019.

References: T.C.A. § 55-21-108.



775 Traffic, Parking, and Safety Enforcement

Approved by Board of Trustees

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

Responsible Division: Business and Finance

Responsible Office: Administration

Responsible Officer: Assistant Vice President, Administration

I. Purpose

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II. Scope

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IV. Registration of Vehicles and Parking Permits

- A. All students and employees must register vehicles they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle

parked on campus must display a current and valid parking permit. Failure to do so may result in the issuance of a parking citation.

- B. The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- C. The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the [Parking Services website](#), and the Traffic and Parking Regulations handbook.
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- E. Parking permits are issued to students only after all registration fees are paid.
- F. The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle with the decal number facing the outside of the vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible when viewing the vehicle or the parking permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.
- G. The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.
- H. It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person. Parking permits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking permits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may be cited with a fine for their actions.
- I. Temporary Parking Permits may be issued to employees, students, and visitors as identified on the [Parking Services](#) website.
- J. Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a

temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may not be waived.

- K. Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
1. To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.
 2. Temporary disabled permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the individual requesting the permit), provided that the request is accompanied by a physician's statement certifying the impairment. ~~Temporary disabled parking permits, whether state-issued, or issued by MTSU, may be issued for the estimated duration of the disabling condition as noted on a physician's statement certifying an impairment but not in excess of six (6) months.~~
 - a. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.
 - b. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
 3. The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.
 4. Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.
- L. Parking permit colors. The area authorized for parking is denoted by the color of the parking permit.
1. White - Available to faculty/administrators/staff (including resident directors and graduate assistants).
 2. Green - Available to commuter students.
 3. Blue - Available to students and employees with qualified disabilities.
 4. Red - Available to on-campus residents.
- M. The following parking spaces are reserved as noted:

1. Disabled Parking, Health Services, Library staff, Housing staff, Maintenance spaces, President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.
 2. Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.
- N. Parking is allowed only in clearly designated parking spaces. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.
- O. All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:
1. Old Main Circle and Faulkenberry Drive (on-street parking)
 2. Davis Science Lot
 3. Honors Lot
 4. Founders Lot
- P. If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.
- Q. Damaged parking permits must be replaced within three (3) business days.
- R. The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University policies.
- S. No personal recreational or work travel trailers should be parked or stored on campus property, except as authorized.
- T. Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

V. Operation of Vehicle Enforcement

- A. All Tennessee laws, City of Murfreesboro ordinances, and University policies pertaining to vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.

- B. Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.
- C. Moving violations will be charged to the operator of the vehicle at the time of the violation.
- D. Speed limits are posted throughout the campus. All speed limits are radar enforced.
- E. Passing on campus is prohibited.
- F. All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- G. Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- H. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, or as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- I. All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- J. All vehicles must come to a complete stop for a school bus loading or unloading children.
- K. Any person who drives in willful and wanton disregard for the safety of persons or property will be considered to have engaged in reckless driving.
- L. The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- M. U-turns are prohibited on the campus.
- N. Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
- O. Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

VI. Towing/Booting of Vehicles

- A. Vehicles may be towed/booted if the vehicle is parked or left in violation of University policies, City of Murfreesboro ordinances, and/or Tennessee laws pertaining to motor vehicles, if said vehicle constitutes a traffic/pedestrian hazard if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website. The owner/parking permit holder of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting.
- B. Any person whose vehicle is impounded may appeal such action as provided below in Section XI and on the [Parking Services](#) website.
- C. If a boot is removed by the owner/parking permit holder of the vehicle and damaged, the owner/parking permit holder will be responsible for the cost of the boot as well as the fine and boot removal fee. The owner/parking permit holder of the vehicle may be prosecuted if a boot is improperly removed or damaged.

VII. Violations and Penalties

- A. Fines may be assessed for violations found on the [Parking Services website](#). Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- B. Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parking meters.
- C. Overtime parking citations (meters) may be issued every hour.
- D. All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- E. Any student with unpaid parking fines may not receive grades or transcripts or be able to register for the next semester until the fines are paid.

- F. A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
1. operating a vehicle while impaired;
 2. leaving the scene of an accident;
 3. failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or
 4. failure to obey an officer directing traffic.

VIII. Visitors

- A. Visitors are subject to the policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.
- B. All visitors are requested to use parking meters or obtain a visitor's parking passpermit at either the Parking and Transportation Services Office or its website. Visitor parking permits may not be issued to vehicles registered to current students or employees. See [Visitor Parking](#) website.
- C. Upon securing a visitor parking permitpass, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved.
- D. Requests for special guest parking permitspasses should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance.

IX. Resident Parking

- A. All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- B. Any on-campus resident who holds a valid MTSU Blue parking permit may park in any clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- C. Any resident who holds a valid MTSU White parking permit may park in any clearly marked White, Red, or Green permit parking area.

X. Bicycles on Campus

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

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

Proposed Rule(s) Filing Form

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

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

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

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

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

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

New

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

Table of Contents

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

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

0240-07-03-.01 Purpose. This Chapter will define Middle Tennessee State University (“MTSU” or “University”) traffic, parking, and safety enforcement. It will facilitate the orderly and efficient flow of traffic on the MTSU campus and property owned by MTSU, endeavor to provide a safe atmosphere for both pedestrians and vehicle operators, and provide order with regard to parking within limited space.

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

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

0240-07-03-.02 Scope. MTSU reserves the right to regulate the use and/or parking of all vehicles on its campus or on property owned by MTSU in accordance with this rule and to forbid the use of a vehicle by any person whose operation of the vehicle fails to comply with University policies, City of Murfreesboro ordinances, and/or Tennessee state laws pertaining to vehicles.

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

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

0240-07-03-.03 Definitions

- (1) Campus. The main MTSU campus and any additional property owned by the University.
- (2) Vehicle. Any self-propelled vehicle, including, but not limited to, automobiles, motorcycles, scooters, mopeds, and golf carts capable of exceeding twenty-five (25) miles per hour over level, paved surfaces.
- (3) Visitor. Any person on the Campus who is not a current student, member of the faculty, staff, or administration.

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

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

0240-07-03-.04 Registration of Vehicles and Parking Permits

- (1) All students and employees must register vehicles they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle parked on campus must display a current and valid parking permit. Failure to do so may result in the issuance of a parking citation.
- (2) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- (3) The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- (4) Parking permits may be denied for any student or employee who has outstanding fines from prior semester(s) until they are paid in full. The first citation issued to an employee for an expired parking permit may result in towing of the vehicle.
- (5) Parking permits are issued to students only after all registration fees are paid.
- (6) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle with the decal number facing the outside of the vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible when viewing the vehicle or the parking permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.
- (7) The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.
- (8) It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person. Parking permits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking permits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may be cited with a fine for their actions.
- (9) Temporary Parking Permits may be issued to employees, students, and visitors as identified on the Parking Services website.
- (10) Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may not be waived.
- (11) Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
 - (a) To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.
 - (b) Temporary disabled permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the

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

1. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.
2. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.

(c) The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.

(d) Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.

(12) Parking permit colors. The area authorized for parking is denoted by the color of the parking permit.

(a) White - Available to faculty/administrators/staff (including resident directors and graduate assistants).

(b) Green - Available to commuter students.

(c) Blue - Available to students and employees with qualified disabilities.

(d) Red - Available to on-campus residents.

(13) The following parking spaces are reserved as noted:

(a) Disabled Parking, Health Services, Library staff, Housing staff, Maintenance spaces, President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.

(b) Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.

(14) Parking is allowed only in clearly designated parking spaces. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.

(15) All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:

(a) Old Main Circle and Faulkenberry Drive (on-street parking).

(b) Davis Science Lot.

(c) Honors Lot.

(d) Founders Lot.

(16) If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.

(17) Damaged parking permits must be replaced within three (3) business days.

(18) The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of MTSU policies.

- (19) No personal recreational or work travel trailers should be parked or stored on campus property, except as authorized.
- (20) Advertising vehicles "For Sale" in MTSU parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 55-21-108.

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

0240-07-03-.05 Operation of Vehicle Enforcement

- (1) All Tennessee laws, City of Murfreesboro ordinances, and MTSU rules and policies pertaining to vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.
- (2) Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in these rules.
- (3) Moving violations will be charged to the operator of the vehicle at the time of the violation.
- (4) Speed limits are posted throughout the campus. All speed limits are radar enforced.
- (5) Passing on campus is prohibited.
- (6) All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- (7) Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- (8) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, or as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (9) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- (10) All vehicles must come to a complete stop for a school bus loading or unloading children.
- (11) Any person who drives in willful and wanton disregard for the safety of persons or property will be considered to have engaged in reckless driving.
- (12) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- (13) U-turns are prohibited on the campus.
- (14) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
- (15) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

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

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

0240-07-03-.06 Towing/Booting of Vehicles

- (1) Vehicles may be towed/booted if the vehicle is parked or left in violation of MTSU rules or policies, City of Murfreesboro ordinances, and/or Tennessee laws pertaining to motor vehicles, if said vehicle constitutes a traffic/pedestrian hazard, if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website. The owner/parking permit holder of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting.
- (2) Any person whose vehicle is impounded may appeal such action as provided below in Rule 0240-07-03-.11 and on the Parking Services website.
- (3) If a boot is removed by the owner/parking permit holder of the vehicle and damaged, the owner/parking permit holder will be responsible for the cost of the boot as well as the fine and boot removal fee. The owner/parking permit holder of the vehicle may be prosecuted if a boot is improperly removed or damaged.

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

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

0240-07-03-.07 Violations and Penalties

- (1) Fines may be assessed for violations found on the Parking Services website. Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- (2) Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parking meters.
- (3) Overtime parking citations (meters) may be issued every hour.
- (4) All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- (5) Any student with unpaid parking fines may not receive grades or transcripts or be able to register for the next semester until the fines are paid.
- (6) A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
 - (a) operating a vehicle while impaired;
 - (b) leaving the scene of an accident;
 - (c) failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or,
 - (d) failure to obey an officer directing traffic.

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

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

0240-07-03-.08 Visitors

- (1) Visitors are subject to the rules, policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.
- (2) All visitors are requested to use parking meters or obtain a visitor's parking permit at either the Parking and Transportation Services Office or its website. Visitor parking permits may not be issued to vehicles registered to current students or employees.
- (3) Upon securing a visitor parking permit, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved.
- (4) Requests for special guest parking permits should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance.

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

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

0240-07-03-.09 Resident Parking

- (1) All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- (2) Any on-campus resident who holds a valid MTSU Blue parking permit may park in any clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- (3) Any resident who holds a valid MTSU White parking permit may park in any clearly marked White, Red, or Green permit parking area.

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

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

0240-07-03-.10 Bicycles on Campus

- (1) All bicycles on MTSU property must be operated in accordance with all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in these rules.
- (2) Employees and students using bicycles on campus must register them with Parking and Transportation Services to ensure proper return if recovered after theft, confiscation due to illegal or improper parking, or abandonment.
- (3) Bicycle racks are available throughout campus for bicycle parking. Bicycles may not be parked in any other areas not designated for such parking.
- (4) Bicycles that are inappropriately parked, in a state of disrepair (flat tires, bent rims, broken chains, etc.) or abandoned (appearance of non-use, etc.) are subject to impoundment.

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

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

shall read as follows:

0240-07-03-.11 Appeal of Citations

- (1) Any MTSU student, other than a student holding a faculty/administrative/staff parking permit, who receives a parking/traffic citation may appeal the citation within fifteen (15) calendar days of issuance by going to the SGA website which provides the specific hearing procedures.
- (2) Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit who receives a citation may appeal the citation within fifteen (15) calendar days of issuance by filing an appeal form or by going to the Parking Services website. Specific hearing procedures are described at the website.
- (3) Any MTSU student or employee who has his/her vehicle towed may appeal such action as indicated above. This can be done only after the vehicle has been secured from impoundment and within seven (7) calendar days of the towing date.
- (4) All appeal decisions are available on the Parking Services website. Individuals who have appealed will also be notified of the appeal decision through the email address provided with the appeal. The appeal decision is final.
- (5) The payment of citations will in no way restrict the Office of Student Conduct or the University Parking and Traffic Committee from revoking parking privileges.

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

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

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

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board on __/__/2019, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement

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

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

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

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

Impact on Local Governments

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

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

Additional Information Required by Joint Government Operations Committee

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

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

In 2016, Middle Tennessee State University (MTSU) initiated a comprehensive review of its policies. This review was necessitated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules as required by statute.

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

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

T.C.A. § 49-8-203(a)(1)(D).

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

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

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

None

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

None

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

Heidi Zimmerman, MTSU University Counsel and Ron Malone, Assistant Vice President, Events and Transportation Services

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

Heidi Zimmerman, MTSU University Counsel and Ron Malone, Assistant Vice President, Events and Transportation Services

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

Heidi Zimmerman MTSU University Counsel 1301 E. Main Street, CAB 209 Murfreesboro, TN 37132 615-898-2025 Heidi.zimmerman@mtsu.edu	Ron Malone Assistant Vice President, Events and Transportation Services 1301 E. Main Street, Box 130 Murfreesboro, TN 37132 615-898-2853 ron.malone@mtsu.edu
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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

New

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

Table of Contents

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

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

0240-07-03-.01 Purpose. This Chapter will define Middle Tennessee State University (“MTSU” or “University”) traffic, parking, and safety enforcement. It will facilitate the orderly and efficient flow of traffic on the MTSU campus and property owned by MTSU, endeavor to provide a safe atmosphere for both pedestrians and vehicle operators, and provide order with regard to parking within limited space.

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

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

0240-07-03-.02 Scope. MTSU reserves the right to regulate the use and/or parking of all vehicles on its campus or on property owned by MTSU in accordance with this rule and to forbid the use of a vehicle by any person whose operation of the vehicle fails to comply with University policies, City of Murfreesboro ordinances, and/or Tennessee state laws pertaining to vehicles.

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

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

0240-07-03-.03 Definitions

- (5) Campus. The main MTSU campus and any additional property owned by the University.
- (6) Vehicle. Any self-propelled vehicle, including, but not limited to, automobiles, motorcycles, scooters, mopeds, and golf carts capable of exceeding twenty-five (25) miles per hour over level, paved surfaces.
- (3) Visitor. Any person on the Campus who is not a current student, member of the faculty, staff, or administration.

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

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

0240-07-03-.04 Registration of Vehicles and Parking Permits

- (1) All students and employees must register vehicles they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle parked on campus must display a current and valid parking permit. Failure to do so may result in the issuance of a parking citation.
- (2) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- (3) The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- (4) Parking permits may be denied for any student or employee who has outstanding fines from prior semester(s) until they are paid in full. The first citation issued to an employee for an expired parking permit may result in towing of the vehicle.
- (5) Parking permits are issued to students only after all registration fees are paid.
- (6) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle with the decal number facing the outside of the vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible when viewing the vehicle or the parking permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.
- (7) The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.
- (8) It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person. Parking permits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking permits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may be cited with a fine for their actions.
- (9) Temporary Parking Permits may be issued to employees, students, and visitors as identified on the Parking Services website.
- (10) Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may not be waived.
- (11) Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
 - (a) To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.
 - (b) Temporary disabled permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the

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

1. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.
2. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.

(c) The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.

(d) Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.

(12) Parking permit colors. The area authorized for parking is denoted by the color of the parking permit.

(a) White - Available to faculty/administrators/staff (including resident directors and graduate assistants).

(b) Green - Available to commuter students.

(c) Blue - Available to students and employees with qualified disabilities.

(d) Red - Available to on-campus residents.

(13) The following parking spaces are reserved as noted:

(a) Disabled Parking, Health Services, Library staff, Housing staff, Maintenance spaces, President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.

(b) Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.

(14) Parking is allowed only in clearly designated parking spaces. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.

(15) All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:

(a) Old Main Circle and Faulkenberry Drive (on-street parking).

(b) Davis Science Lot.

(c) Honors Lot.

(d) Founders Lot.

(16) If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.

(17) Damaged parking permits must be replaced within three (3) business days.

(18) The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of MTSU policies.

(19) No personal recreational or work travel trailers should be parked or stored on campus property, except as authorized.

(20) Advertising vehicles "For Sale" in MTSU parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 55-21-108.

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

0240-07-03-.05 Operation of Vehicle Enforcement

(1) All Tennessee laws, City of Murfreesboro ordinances, and MTSU rules and policies pertaining to vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.

(2) Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in these rules.

(3) Moving violations will be charged to the operator of the vehicle at the time of the violation.

(4) Speed limits are posted throughout the campus. All speed limits are radar enforced.

(5) Passing on campus is prohibited.

(6) All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.

(7) Motorists are to yield the right-of-way to all pedestrians in a cross walk.

(8) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, or as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(9) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.

(10) All vehicles must come to a complete stop for a school bus loading or unloading children.

(11) Any person who drives in willful and wanton disregard for the safety of persons or property will be considered to have engaged in reckless driving.

(12) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.

(13) U-turns are prohibited on the campus.

(14) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.

(15) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

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

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

0240-07-03-.06 Towing/Booting of Vehicles

- (1) Vehicles may be towed/booted if the vehicle is parked or left in violation of MTSU rules or policies, City of Murfreesboro ordinances, and/or Tennessee laws pertaining to motor vehicles, if said vehicle constitutes a traffic/pedestrian hazard, if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website. The owner/parking permit holder of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting.
- (2) Any person whose vehicle is impounded may appeal such action as provided below in Rule 0240-07-03-.11 and on the Parking Services website.
- (3) If a boot is removed by the owner/parking permit holder of the vehicle and damaged, the owner/parking permit holder will be responsible for the cost of the boot as well as the fine and boot removal fee. The owner/parking permit holder of the vehicle may be prosecuted if a boot is improperly removed or damaged.

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

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

0240-07-03-.07 Violations and Penalties

- (1) Fines may be assessed for violations found on the Parking Services website. Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- (2) Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parking meters.
- (3) Overtime parking citations (meters) may be issued every hour.
- (4) All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- (5) Any student with unpaid parking fines may not receive grades or transcripts or be able to register for the next semester until the fines are paid.
- (6) A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
 - (a) operating a vehicle while impaired;
 - (b) leaving the scene of an accident;
 - (c) failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or,
 - (d) failure to obey an officer directing traffic.

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

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

0240-07-03-.08 Visitors

- (1) Visitors are subject to the rules, policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.
- (2) All visitors are requested to use parking meters or obtain a visitor's parking pass at either the Parking and Transportation Services Office or its website. Visitor parking passes may not be issued to vehicles registered to current students or employees.
- (3) Upon securing a visitor parking pass, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved.
- (4) Requests for special guest parking passes should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance.

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

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

0240-07-03-.09 Resident Parking

- (1) All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- (2) Any on-campus resident who holds a valid MTSU Blue parking permit may park in any clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- (3) Any resident who holds a valid MTSU White parking permit may park in any clearly marked White, Red, or Green permit parking area.

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

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

0240-07-03-.10 Bicycles on Campus

- (1) All bicycles on MTSU property must be operated in accordance with all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in these rules.
- (2) Employees and students using bicycles on campus must register them with Parking and Transportation Services to ensure proper return if recovered after theft, confiscation due to illegal or improper parking, or abandonment.
- (3) Bicycle racks are available throughout campus for bicycle parking. Bicycles may not be parked in any other areas not designated for such parking.
- (4) Bicycles that are inappropriately parked, in a state of disrepair (flat tires, bent rims, broken chains, etc.) or abandoned (appearance of non-use, etc.) are subject to impoundment.

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

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

shall read as follows:

0240-07-03-.11 Appeal of Citations

- (1) Any MTSU student, other than a student holding a faculty/administrative/staff parking permit, who receives a parking/traffic citation may appeal the citation within fifteen (15) calendar days of issuance by going to the SGA website which provides the specific hearing procedures.
- (2) Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit or parking pass who receives a citation may appeal the citation within fifteen (15) calendar days of issuance by filing an appeal form or by going to the Parking Services website. Specific hearing procedures are described at the website.
- (7) Any MTSU student or employee who has his/her vehicle towed may appeal such action as indicated above. This can be done only after the vehicle has been secured from impoundment and within seven (7) calendar days of the towing date.
- (8) All appeal decisions are available on the Parking Services website. Individuals who have appealed will also be notified of the appeal decision through the email address provided with the appeal. The appeal decision is final.
- (5) The payment of citations will in no way restrict the Office of Student Conduct or the University Parking and Traffic Committee from revoking parking privileges.

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



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

Action Item

DATE: March 18, 2019

SUBJECT: [Building Naming – Stark Agriculture Center](#)

PRESENTER: Alan Thomas
Vice President for Business and Finance

BACKGROUND INFORMATION:

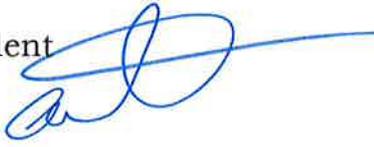
The faculty in the School of Agribusiness & Agriscience met on February 21, 2018 and voted to change the name of the department to the “School of Agriculture.” This was the name of the department prior to the name change in the late 1990s. The change was approved and became effective July 1, 2018. In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

ON-CAMPUS MEMO

Vice President for Business and Finance

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



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

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

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

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

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

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

Approved: 
Dr. Sidney A. McPhee, President

Date: 12-7-2018

School of Agriculture

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

Date: October 17, 2018

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

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

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

Thank you for your consideration of our request.

Robert Fischer

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

Mark Byrnes

Dr. Mark Byrnes, Provost

Dr. Sidney McPhee, President



STARK AGRICULTURE CENTER

Honoring Dr. Clifford Nicks Stark and Pauline Whitson Stark

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



ERECTED APRIL 17, 1976



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

Action Item

DATE: March 18, 2019

SUBJECT: [MTSU Foundation Agreement](#)

PRESENTER: Alan Thomas
Vice President for Business and
Finance

BACKGROUND INFORMATION:

In order to support philanthropic investments in our colleges and universities, Tennessee state law - T.C.A. § 49-7-107 – calls for the governing board of each institution to enter into agreement with the institution’s foundation to encourage and support private investment in our institutions. The MTSU Foundation’s relationship to the University is based upon a shared interest in the University’s development and the success of the University’s mission. It is recognized that University participation in and support of Foundation operations are appropriate and desirable. While the MTSU Foundation operates independently, by law, from the University, it is prudent and beneficial to have a clear statement, agreed upon by both parties, of their specific responsibilities, authority, and the relationship between the University and the Foundation. This agreement will also define and establish the

standards and procedures for accounting for and auditing of accounts of the Foundation, while at the same time preserving the private and independent status of the Foundation.

With the approval of this Agreement, the Board of Trustees of the University designates the MTSU Foundation to receive all private gifts for support of the University, except any gift for which the donor has specifically directed in writing that the gift be received and held by the University. In such case, it is understood and agreed that the University may name the Foundation as the fiduciary manager of such gifts.

AGREEMENT BETWEEN
MIDDLE TENNESSEE STATE UNIVERSITY
AND
MIDDLE TENNESSEE STATE UNIVERSITY FOUNDATION

THIS AGREEMENT made by and between Middle Tennessee State University (hereinafter referred to as the “University”) and Middle Tennessee State University Foundation (hereinafter referred to as the “Foundation”). This Agreement supersedes all prior agreements between the Foundation and the Board of Education, and between the Foundation and the Tennessee Board of Regents.

The University is a public institution of higher education created by T.C.A. § 49-8-101 and governed by the authority of a local governing board of trustees.

The Foundation is a private, non-profit corporation existing by virtue of T.C.A. § 49-7-107 and T.C.A. § 48-51-101 *et seq.* (Tennessee Nonprofit Corporation Act), is tax-exempt under Section 501(c)(3) of Internal Revenue Code, and is organized in concert with the University. The Foundation is established by Articles of Association dated December 12, 1961 and its Charter filed on December 30, 1961, and revised on November 22, 1986 and November 23, 1993. The current Foundation Bylaws are dated May 10, 2010. Copies of the current documents are attached hereto as Exhibit A, and its purpose is as stated therein. The Foundation exists to receive, hold, invest, and administer private gifts and other private resources solely for the benefit of the University.

The Foundation’s relationship to the University is based upon a shared interest in the University’s development and the success of the University’s mission. Therefore, University participation in and support of Foundation operations are appropriate and desirable. Because of the close, but independent, association of the Foundation with the University, it is prudent and beneficial to have a clear statement, agreed upon by the parties, of the responsibilities, authority, and the relationship of the University and the Foundation and to agree on the standards and procedures for accounting for and auditing of accounts of the Foundation, while at the same time preserving the private and independent status of the Foundation.

By its approval of this Agreement, the Board of Trustees of the University designates the Foundation to receive all private gifts for support of the University, except any gift for which the donor has specifically directed in writing that the gift be received and held by the University. It is understood that the University may name the Foundation as the manager of such a gift.

THE PARTIES HEREBY AGREE AS FOLLOWS:

I. FOUNDATION POWERS, DUTIES, AND RESPONSIBILITIES

1. **Foundation Charter and Bylaws.** The Foundation is responsible for the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws and policies that clearly address the MTSU Foundation Board of Trustee’s fiduciary responsibilities.

The Foundation shall file its initial and amended foundation charters and bylaws with the Secretary of State of the State of Tennessee, and University president will submit copies to the University’s legal counsel.

2. **Ethics Policy.** The Foundation shall adopt an ethics policy complying with T.C.A. § 49-7-107 that applies to and governs the conduct of all members of the Foundation’s governing body. Members must review and acknowledge the code of ethics annually.

3. **Foundation Business Affairs.** The Foundation’s Board shall develop policies and procedures concerning the conduct of its business affairs and to assure appropriate reporting of financial and other activities. Such policies and procedures shall implement sound business practices, provide for appropriate checks and balances and ensure prudent use of Foundation funds. Additionally, and as applicable and appropriate, the Foundation shall ensure that its policies are not in conflict with state policies.

- a. Budget Preparation. With the assistance of University administrative personnel, the Foundation will create the Foundation’s annual budget.

- b. Procurement and Contracting. The Foundation’s Board shall develop policies and procedures that address procurement and contracting activities. When practicable, the Foundation shall use competitive procurement methods. Such policies must include a process for determining authority for authorizing contracts on behalf of the Foundation and for authorizing expenditure of Foundation funds. Authority for these functions cannot be delegated solely to an employee of the University absent specific delegation by the Foundation’s Board.

- c. Contracts. The Foundation does not have any authority to obligate the University in any manner. A contract may not be entered into in the names of both the Foundation and the University or in the name of either entity “on behalf of” the other. If a transaction involves both the Foundation and the University, both must be parties to the contract and it must be executed by authorized representatives of both.

- d. Administration of Donations to the Foundation. The Foundation shall develop policies and procedures that address the management and investment of contributions to the Foundation, subject to the requirements of the Uniform Prudent Management of Institutional Funds Act, T.C.A. § 35-10-2.

- e. Records. Maintain records concerning gifts and contributions to the Foundation and the University.
- f. Document Retention Policy. The Foundation shall have a written mandatory document retention and periodic destruction policy that complies with Sarbanes-Oxley requirements. The policy should include guidelines for handling electronic files and voice mail, as well as paper documents. The Foundation's policy will prohibit document purging if an official investigation is anticipated or underway.
- g. Reports. The Foundation shall issue reports to the president of the University, at least annually, on the activities of the Foundation. The Foundation is a nonprofit organization that reports under Financial Accounting Standards Board (FASB) standards. An annual financial report shall be issued, prepared in accordance with FASB standards, including all required note disclosures. The report must be issued in a timely manner to be included as a component unit in the University's financial statement.

The Foundation shall provide the University with its annual report and other information that may be publicly released. The Foundation will be treated as a component unit in the University's financial statements in accordance with accounting principles general accepted in the United States of America. Financial statements shall include, as applicable and according to appropriate accounting principles, the value of in-kind services provided by the University. The Foundation will strive for transparency and strong internal controls.

The management of the Foundation will perform regular, documented assessments of the Foundation's risk of fraud, waste, and abuse. The management of the Foundation will establish and implement a system of internal controls that adequately mitigates those risks and ensures compliance with all applicable laws and regulations. Management of the Foundation will submit the risk assessment and the documented mitigating controls to the Foundation's Finance committee for review and approval.

- 4. **Solicitation, Acceptance and Administration of Contributions.** The Foundation is hereby designated as the sole entity responsible for promoting and generating private sector, charitable support for the University. The Foundation may collect contributions for the University's charitable, scientific, and educational purposes. The Foundation shall provide leadership and assistance to the University and its departments in their fundraising activities, capital campaigns, and development programs with individuals, corporations, foundations, and other organizations. The Foundation shall develop policies and procedures addressing the solicitation and acceptance of contributions to the Foundation, incorporating sound business principles and safeguarding compliance with donor intent and conditions. Prior to accepting any donation that will require substantial University support such as staff, financial assistance, storage, on-going

maintenance, etc., approval must be obtained from the president of the University and, if applicable, from the Board of Trustees.

5. **Confidentiality of Donor Information.** The University and the Foundation may share employees and services, including information on donors. As used herein, the Foundation's "donor information" includes, but is not limited to, a compilation of contributors, prospects, alumni, friends, and supporters of the University. These records, as well as all other data, materials, and information belonging to the Foundation pertaining to past, current, and prospective donors are proprietary to the Foundation and constitute its confidential information and trade secrets. The University and the Foundation shall comply with the provisions of T.C.A. § 49-7-140 regarding the confidentiality of gift records. Subject to those provisions, the Foundation may disclose confidential information from time to time to authorized University personnel (to include authorized volunteers) for purposes of cooperative planning and implementation of activities, as authorized by the Foundation. University personnel shall preserve the confidentiality of such shared information.

6. **Use of University Name and Marks.**

- a. The Foundation may, in connection with its lawful business and activities, use the name of the University as well as the University's logo, seal, and other symbols and marks. The President of the University reserves the right to object to any particular use by the Foundation, and in the event of such an objection, the Foundation shall cease and desist the use and cooperate with the University to achieve an acceptable use.
- b. The Foundation shall not delegate the authority to use the University's name or marks without written approval of the University's president and shall not permit the University's name or marks to be used in connection with advertising of non-University or non-Foundation products or services unless such use is consistent with policies of the University. All correspondence, solicitations, activities and advertisements concerning the Foundation shall be clearly discernable as being from the Foundation and not the University.
- c. The Foundation agrees to cease using the University's name and marks in the event:
 - i. The Foundation dissolves;
 - ii. The Foundation ceases to be a non-profit corporation or ceases to be recognized by the Internal Revenue Service as described in Section 501(c)(3) of the Internal Revenue Code; or
 - iii. The Foundation or the University terminates this Agreement.

7. **Operational Support from the University.** The University may not transfer state or University funds to the Foundation; however, the University may provide in-kind services to Foundation as consideration for services rendered by the Foundation to the University. “In-kind services” include, but are not limited to, the provision of office space, administrative support and other staff.
8. **Respect for University’s Personnel Administration.** Foundations must respect the Board of Trustees and University authority over personnel administration. Foundation expenditures for compensation and other payments to, or for the benefit of, University personnel and reportable as income to the recipient, such as salary, expense accounts, automobiles, club or other organization memberships and dues, etc., must be approved in advance, annually, by the University president, unless the salaries funded by the Foundation are in accordance with the University’s compensation plan and included in the University’s personnel budget. Advance approval of the Board of Trustees shall be required if payments outside the University’s compensation plan are made to, or for the benefit of, any University employee, including the president, and if the aggregate value of such payments to any individual University employee exceeds one thousand five hundred dollars (\$1,500.00) per fiscal year. This provision does not apply to reimbursement of business expenses incurred by University employees or to non-taxable recognition awards given to University employees.
9. **Taxes.** The Foundation shall be responsible for compliance with all applicable state and federal tax laws. If the University provides in-kind services to assist with the preparation and filing of required tax forms and returns, the Foundation shall supply all necessary information in a timely manner.
10. **Compliance with Applicable Laws.** The Foundation agrees to comply with all executive orders, federal, state, and local rules, regulations, and laws applicable to similar non-profit corporations.
11. **Compliance with Middle Tennessee State University Policy.** The Foundation agrees to comply with MTSU Policy 130 Foundations.
12. **Hold Harmless.** The Foundation shall indemnify and hold harmless the University, it’s governing board, officers, employees, agents, and students, in their official and individual capacities, from and against any and all claims of liability, injury, damages, expenses, demands, and judgments, including court costs and attorneys’ fees, arising out of the Foundation’s performance of this Agreement, except for injury or damage caused by the sole negligence of the University, and furthermore, this provision shall survive the termination or expiration of this Agreement.
13. **Foundation Legal Counsel.** The Foundation shall be responsible for providing its own legal counsel.

14. Dissolution of Foundation. Consistent with provisions of the Foundation's bylaws, should the Foundation cease to exist or cease to be an Internal Revenue Code 501(c)(3) nonprofit corporation, the Foundation will transfer its assets and property to the University, to a reincorporated successor Foundation, to another 501(c)(3) organization affiliated with the University, or to the state or federal government for public purposes, in accordance with the law and donor intent.

The University will honor to the extent possible any donor restrictions on assets held by the Foundation, including, but not limited to, retaining endowment funds as permanent endowments for the purposes specified by the donor. If a donor agreement limits or precludes any portion of the Foundation's assets from matriculating to the University, the Foundation Board of Directors shall make all available effort to effectuate the transfer of such assets to the University.

Prior to the permanent dissolution or liquidation of the Foundation, a complete accounting of the Foundation will be attested to by the Foundation's independent accounting firm.

II. UNIVERSITY POWERS, DUTIES, AND RESPONSIBILITIES

1. **Independence of Foundation.** The University agrees to encourage and maintain the independence of the Foundation and, at the same time, foster the cooperative relationship between the University and Foundation.
2. **General Powers of the University.** The University may:
 - a. Provide the professional services of its employees, within the scope of their employment with the University;
 - b. Review the financial records of the Foundation to determine that the Foundation is adequately capitalized for any activities undertaken in the name of, for the benefit of, or in conjunction with the University.
 - c. Request or require evidence satisfactory to the president or president's designee of insurance or self-insurance adequate in form and amounts to cover foreseeable liability arising from activities undertaken in the name of, for the benefit of, or in conjunction with the University;
 - d. Request periodic review of any written general agreement or memorandum of understanding between the University and the Foundation to ensure that it describes each party's responsibilities in a manner that makes it clear to third parties dealing with the cooperative organization that the organization is acting as a legal entity separate from the University; and

- e. Take any action necessary to ensure that the actions of the University's officials, faculty, staff, or employees relative to the Foundation are consistent with policies established by the University regarding conflicts of interest, outside activities, and other matters.
3. **University Services to Foundation.** In consideration of the services provided to the University by the Foundation and as set forth herein, the University may assist the Foundation in the following:
- a. Provision of office space, telephones, computers, supplies, etc. for personnel. These will be considered in-kind services from the University.
 - b. Provision of clerical and administrative support services through the University's Development Office.
 - c. Provision of designated financial services including financial record keeping.
4. **Audit of Foundation Records.** In accordance with T.C.A. § 49-7-107(b), all annual reports, books of account and financial records of the Foundation shall be subject to audit by the Comptroller of the Treasury of the State of Tennessee. Records and accounts maintained by the Foundation shall be audited on the same cycle as the University audit performed by the Comptroller, or, with the approval of the Comptroller, an independent public accountant may perform such an audit. The contract between the independent public accountant and the Foundation shall be approved in advance by the Board of Trustees and the Comptroller and shall be on forms prescribed by the Comptroller. All annual reports, books of account and financial records of the Foundation shall be available for audit by the internal auditors of the University.
5. **Confidential Records.** Confidential Records. The University acknowledges that under T.C.A. § 49-7-140, personally identifiable records and information concerning gifts received by both the University and the Foundation are protected against disclosure.

III. MUTUAL ACKNOWLEDGEMENTS AND OBLIGATIONS

- 1. **Termination.** Either party may terminate this agreement upon sixty (60) days' notice.
- 2. **Term.** This Agreement is based upon the University's fiscal year, which is July 1 through June 30. The term of this Agreement shall commence on the date first written below and expire on June 30, 20___. If neither party gives notice of termination, as provided in Paragraph 1 above, prior to the expiration of the Agreement, it will continue on a year-to-year basis. If this Agreement is terminated by either party, all funds, assets, data, and information in the possession of the Foundation will be transferred to the University as soon as is practicable.

3. **Entire Agreement/Modification.** This Agreement contains all the terms between the parties. It may be amended only in writing signed by legally authorized representatives of all parties.

APPROVED:

Middle Tennessee State University Foundation

By: _____
William J. Bales, Executive Director

_____ Date

Middle Tennessee State University

By: _____
Sidney A. McPhee, President

_____ Date

ACKNOWLEDGED AND APPROVED:

Middle Tennessee State University Board of Trustees

By: _____
Stephen B. Smith, Chairman

_____ Date



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

Information Item

DATE: March 18, 2019

SUBJECT: [Governor's 2019-20 Budget](#)

PRESENTER: Alan Thomas
Vice President Business and Finance

BACKGROUND INFORMATION:

Governor Lee held his first State of the State Address on Monday, March 4, 2019, at which time he presented the 2019-20 State Budget. After a preliminary analysis of the budget in relation to higher education, Dr. McPhee sent to all Board members a summary of the financial impact to MTSU. Attached to this summary was an analysis prepared by the Tennessee Higher Education Commission (THEC) immediately after the budget was released showing the impact to all of higher education.

The following documents are included in these meeting materials for your information and review:

- Initial Review of the Governor's Budget and Impact to MTSU
- Dr. McPhee's Email to Campus and Board Members
- THEC's Summary of the Governor's 2019-20 Budget Recommendation

Vice President for Business and Finance
Cope Administration Building 119
1301 East Main Street
Murfreesboro, TN 37132
o: (615) 898-2852 • f: (615) 898-5906



MEMORANDUM

TO: Dr. Sidney A. McPhee 
FROM: Alan Thomas
DATE: March 5, 2019
RE: Governor's FY 2019-20 Budget Recommendations

On Monday evening, Governor Lee presented his FY 2019-20 budget recommendations to the General Assembly. I have included website links and attached copies of related materials to this memorandum for your review. Listed below are some items pertinent to higher education and Middle Tennessee State University specifically.

Operating Funds

The Governor has recommended additional total recurring funding of \$3.8 million for MTSU as follows:

- THEC's recommendation for MTSU was \$4.5 million through the funding formula, which included both outcomes formula and a 2.8 percent salary pool. The \$3.8 million fully funds the THEC recommendation once the salary pool is adjusted to the 2 percent recommended by the Governor.
- This year's budget did not include a separate funding allocation for salary increases but provides that additional funds can be used for salaries and/or operational expenditures at the discretion of the University.
- We anticipate additional adjustments for retirement contributions and health insurance before final approval of the budget.

Capital Outlay

The Governor recommended \$133.1 million in capital outlay funding for all of higher education, which includes funding for MTSU's recommended priority capital project at \$34,085,000.

Capital Outlay	State	Match	Total
School of Concrete & Construction Management	34,085,000	6,015,000	40,100,000

Capital Maintenance

The Governor recommended \$73.4 million in capital maintenance funding for all of higher education, which includes funding for two (2) of MTSU's recommended priority capital projects and additional funding for ADA projects, totaling \$6.4 million.

Capital Maintenance	THEC Recommendation	Governor's Budget
Several Buildings Roof Replacements	600,000	600,000
KOM Mechanical, HVAC, Fire Protection, Lighting & Ceiling upgrades	5,600,000	5,600,000
Stark Ag/Police Station Mechanical & HVAC upgrades	1,965,000	
Campus Stormwater BMPP Phase I	785,000	
Sidewalk Repair / Replacement Phase I	800,000	
Miller Education Center Boiler Replacement	400,000	
ADA Projects		170,000
Total Capital Maintenance Funds	10,150,000	6,370,000

Other Items of Interest

Provides \$2 million non-recurring funding for TBR and LGI campuses for Phase III of continued security upgrades. MTSU's share of this funding will be \$213,900.

Establishes \$3 million of recurring funding to the Bureau of TennCare for the Graduate Medical Education (GME) program—financial assistance for medical students—to increase the number of primary care providers in underserved rural areas of Tennessee. This funding could assist with a partnership we have with Meharry Medical College for a fast-track program for select, qualified students to receive both an undergraduate degree from MTSU and a medical degree from Meharry in six years.

While not recommended for appropriation directly to MTSU, several other items were included within the Governor's recommendations that may impact the University. These items are shown on the THEC memo which is attached.

Budget Document and Related Materials. The following is a link to the on-line Budget Document, as well as references to MTSU sections of the Budget Document.

- <https://www.tn.gov/finance/fa/fa-budget-information/fa-budget-archive/fa-budget-publication-2019-2020.html>.
- Pages xix - xxix: Budget Highlights outlining overall budget plan. Higher education budget items are summarized on page xxii.
- Pages B82 – B87: Recommended additional operating funds for higher education. MTSU specific funding shown on Page B-85 and a summary on pages B-119 and B-120.
- Page A131 – A137: Capital outlay and maintenance budget recommendations for higher education. MTSU specific funding shown on Page A131 and A133.

Staff will continue to analyze the budget document and will keep you informed as additional information concerning the budget becomes available.

Attachments

Budget Memorandum from the Tennessee Higher Education Commission

Cc: Vice Presidents
Kathy Thurman

Alan Thomas

From: Kimberly Edgar
Sent: Tuesday, March 5, 2019 4:16 PM
To: University
Subject: From President McPhee: Analysis of the Governor's Budget

Good afternoon.

As you are aware, on Monday evening Governor Lee presented his 2019-20 budget to the Tennessee General Assembly. We have conducted a preliminary analysis of the details of the Governor's Budget and I wanted to outline how his proposed budget could affect our University, if approved by the Legislature.

Highlights of the budget as they relate to MTSU's institutional needs and priorities are as follows:

- Net operating appropriations, which includes adjustments made through the funding formula, will increase by \$3.8 million.
- Even though this year's budget does not include a separate funding allocation for higher education salary increases, it does provide that additional funds can be used for salaries and/or operational expenditures at the discretion of the University. Increases over the past few years have been minimal but improving employee salaries remains my number one priority in establishing the University 2019-20 budget. I continue to make the case to our state legislative leaders and the executive branch, and more recently to our own Board of Trustees, regarding the importance of improving salaries for our employees. The Governor's Budget included funding equivalent to a 2 percent salary pool for state agencies.
- A new 54,000 square foot academic facility to house the School of Concrete and Construction Management, ranked No. 3 on the higher education priority list by the Tennessee Higher Education Commission, is among \$133.1 million in capital outlay projects that Lee recommended for the state's universities, community colleges and technical colleges. The recommendation would provide \$34.1 million in state funding and require the university to raise \$6.0 million through other sources, representing a total project cost of \$40.1 million.
- The Governor recommended \$73.4 million in capital maintenance funding for all of higher education, which includes funding for two (2) of MTSU's six (6)

recommended capital projects and additional funding for ADA projects, totaling \$6.4 million.

- Establishes \$3 million of recurring funding to the Bureau of TennCare for the Graduate Medical Education (GME) program—financial assistance for medical students—to increase the number of primary care providers in underserved rural areas of Tennessee. This funding could assist with a partnership we have with Meharry Medical College for a fast-track program for select, qualified students to receive both an undergraduate degree from MTSU and a medical degree from Meharry in six years.
- In 2016, THEC recommended funding for the Tennessee Board of Regents' (TBR) strategic initiative involving campus safety. This initiative involved requested funding of \$8.9 million to implement the recommendations of the Safety and Security Task Force. Phase III funding for this initiative is included in the Governor's Budget at \$2 million for TBR and the Locally Governed Institutions (LGI's). MTSU's share of this funding will be \$213,900.

With the limited operating appropriations provided in the budget to cover our fixed costs increases (i.e. faculty promotion increases, utilities, software maintenance, etc.) and increases in funding scholarships, we will once again be operating on a very tight budget. The FOCUS Act, if you will remember, also gives THEC the authority to issue a binding tuition and mandatory fees range that the University must stay within when raising tuition and fees. While the preliminary recommendation is for a tuition increase in the range of 0-2.5%, the final range will not be issued until early May by THEC.

As the Legislature debates the final budget, we will continue to review additional information as it becomes available and incorporate the impact into the University's budgeting process for the upcoming year. As future developments are known, I will continue to communicate with the campus through our campus website and with email messages to keep you abreast of the Legislature's actions.

Sincerely,
Sidney A. McPhee
President



MIKE KRAUSE
Executive Director

BILL LEE
Governor

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

MEMORANDUM

To: Tennessee Higher Education Commission Members
Tennessee Student Assistance Corporation Board of Directors

From: Mike Krause

Subject: Governor's FY 2019-20 Budget Recommendation

Date: March 4, 2019

This evening, Governor Bill Lee presented his 2019-20 budget proposal to the 111th General Assembly. It includes an operating improvement of \$34 million to fund productivity increases and \$22 million for salary increases across universities, community colleges, and the Tennessee Colleges of Applied Technology—a total of \$56 million for all formula units and TCATs.

Including the recurring improvements listed below, the Governor's budget recommends recurring appropriations for higher education totaling \$1.66 billion, an increase of \$86.7 million—or 5.5 percent—over the 2018-19 recurring appropriation level. Higher education is also recommended to receive \$44 million in non-recurring appropriations. The total increase in operating appropriations—including recurring and nonrecurring—is an investment of \$130.7M.

Finally, of THEC's nine recommended capital outlay projects, the Governor's budget includes full funding for three and planning for one, all of which total over \$133 million in capital improvements. The Governor's budget also recommends over \$73 million for capital maintenance, \$40 million of which is identified as recurring funds. See below for additional details.

Recurring Institutional Improvements and Reductions (\$69.0 million)

- The Governor's combined \$56 million recommendation for productivity and salary increases at universities, community colleges, and TCAT—all to be distributed through the outcomes-based funding formula.
 - \$34 million to fully fund university and community college growth in outcomes and TCAT growth;
 - \$22 million for salary increases, equal to a 2 percent salary pool, at UT, TBR, and LGI formula units;
- \$8.2 million for salary increases at UT, TBR, and LGI Specialized Units;
- \$1.1 million to Tennessee State University for Food and Agriculture Research. This first phase, of four proposed, will set up a new Food Science Program with a virologist and will expand capacity into new Food and Agriculture Research areas. Recurring funds will be used to hire faculty, support, and technical staff;
- \$900,000 to Tennessee Technological University to fund the institution's Carnegie Classification change (year 3 of 3);
- \$2.4 million for TBR Administrative Support Costs;
- \$426,000 to fund operational expenditures at the TCATs for the Governor's Correctional Education Investment initiative.

Non-recurring Institutional Improvements (\$14.5 million)

- \$2 million for the Tennessee State University Institutional Support Grant to support retention and completion of highly qualified students from underserved populations;
- \$500,000 to Tennessee Technological University to match National Science Foundation funds for cyber security research (year 3 of 4);
- \$2 million for TBR and LGI Campus Security Grants to fund continued security upgrades;
- \$10 million for statewide UT Campus Security Upgrades.

Capital Improvements (\$206.5 million)

- \$133.1 million for 4 capital outlay projects:
 - \$81.5 million for the University of Tennessee Institute of Agriculture Energy and Environmental Science Education Research Center;
 - \$14.2 million for the Tennessee College of Applied Technology-Athens and Cleveland State Community College McMinn Higher Education Center;
 - \$34.1 million for the Middle Tennessee State University School of Concrete and Construction Management building;

- \$3.25 million for the Tennessee Technological University Engineering Building (preplanning);
- \$73.4 million for 49 capital maintenance projects:
 - \$19.7 million for 26 projects in the Tennessee Board of Regents system;
 - \$20.1 million for 4 projects in the University of Tennessee system;
 - \$33.6 million for 19 projects at the Locally Governed Institutions.

Recurring THEC/TSAC Improvements (\$17.7 million)

- \$4 million for the Governor’s Investment in Vocational Education (GIVE) – Student Grants which will fund dual enrollment courses for trade and technical programs for high school juniors and seniors;
- \$12.3 million for the Tennessee Student Assistance Awards (TSAA), Tennessee’s primary need-based financial aid program. This appropriation will serve approximately 6,900 additional students, bringing the total number of awarded to students to approximately 63,900;
- \$426,000 to fund personnel associated with the Governor’s Correctional Education Investment initiative;
- \$200,000 to sustain the Seamless Alignment and Integrated Learning Support (SAILS) Program;
- \$307,800 to Centers of Excellence and Campus Centers of Emphasis for a 2.0 percent salary pool increase;
- \$417,400 to provide Contract Education funding for the Southern College of Optometry.

Non-Recurring THEC Administered Initiatives (\$29.5 million)

- \$25 million for the Governor’s Investment in Vocational Education (GIVE) – Community Grants which aim to eliminate skills gaps across the state in a proactive, data-driven, and coordinated manner by encouraging collaboration across education and industry;
- \$2 million for Supporting Postsecondary Access in Rural Communities (SPARC) micro grants to purchase career and technical education equipment;
- \$975,000 to fund equipment purchases for the Governor’s Correctional Education Investment initiative;
- \$1 million for Veteran Reconnect Grants to fund competitive grants focused on improving the success of student veterans enrolled in Tennessee colleges and universities by enhancing training for faculty and staff who work with veterans;

- \$500,000 for the Niswonger Foundation Grant to support College and Career Advising initiatives.

Other Recurring Governor Initiatives (\$3 million)

- \$3 million to the Bureau of TennCare for the Graduate Medical Education (GME) program—financial assistance for medical students—to increase the number of primary care providers in underserved rural areas of Tennessee.



**Middle Tennessee State University
Board of Trustees**

Finance and Personnel Committee

Information Item

DATE: March 18, 2019

SUBJECT: [Composite Financial Index \(CFI\)](#)

PRESENTER: Alan Thomas
Vice President Business and Finance

BACKGROUND INFORMATION:

The Composite Financial Index (CFI) provides a more complex picture of the financial health of the institution at a point in time than is possible by simply comparing multiple indicators. Examining the trend of an institution's CFI score over an extended period offers a more stable long-term view of an institution's financial performance, given fluctuations in institutional conditions, and external circumstances, such as market performance.

The CFI includes four commonly used financial ratios:

- **Primary Reserve Ratio**
 - Indicates the University's financial position related to liquidity
 - Makes up 35% of the CFI
 - Expendable net assets / total expenses

- **Viability Ratio**

- Indicates the capacity to repay total debt through reserves
- Makes up 35% of the CFI
- Expendable net assets / long-term debt

- **Return on Net Assets Ratio**

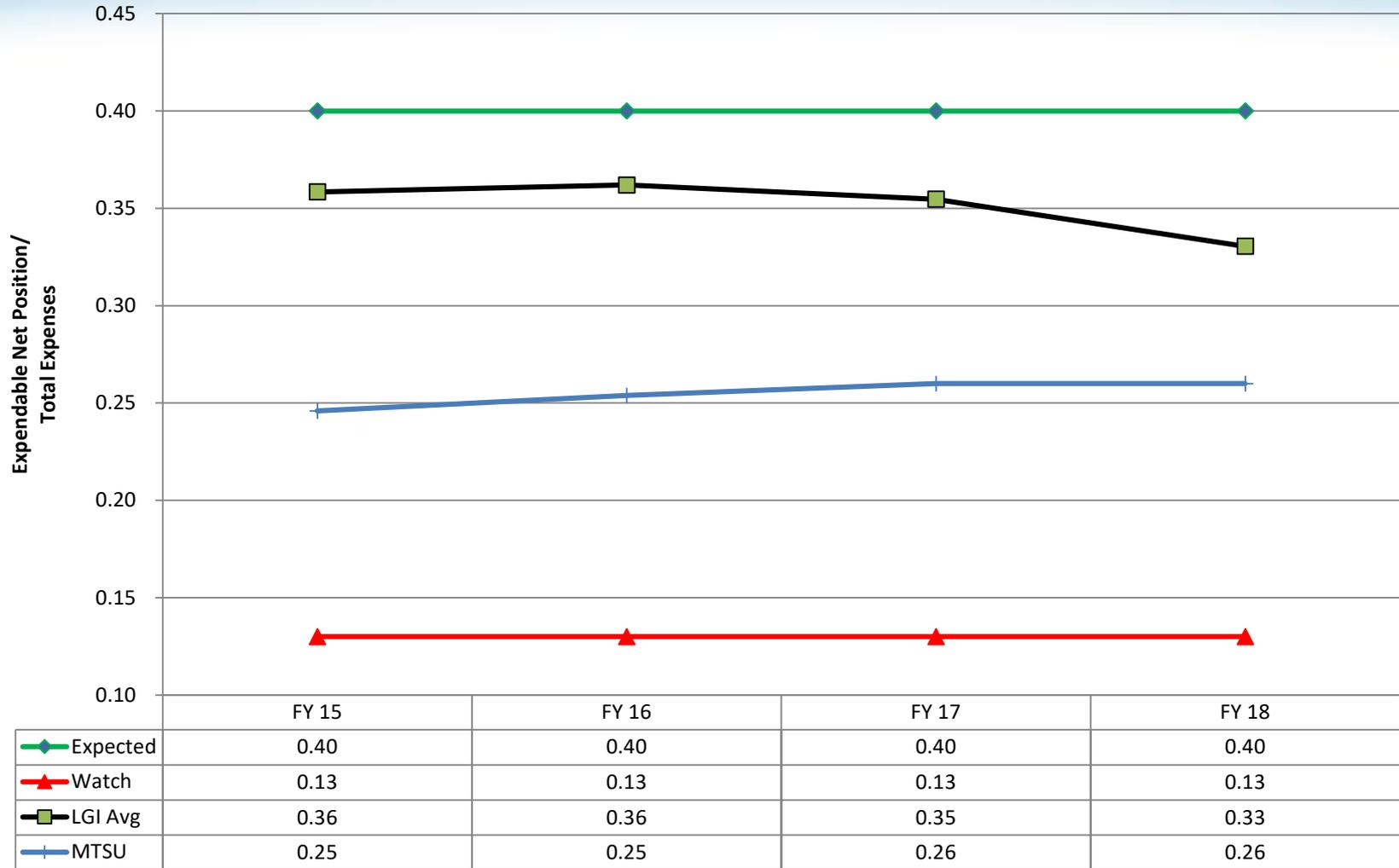
- Indicates whether the University is better off financially this year than last
- Makes up 20% of the CFI
- Change in net assets / beginning net assets

- **Net Operating Revenues Ratio**

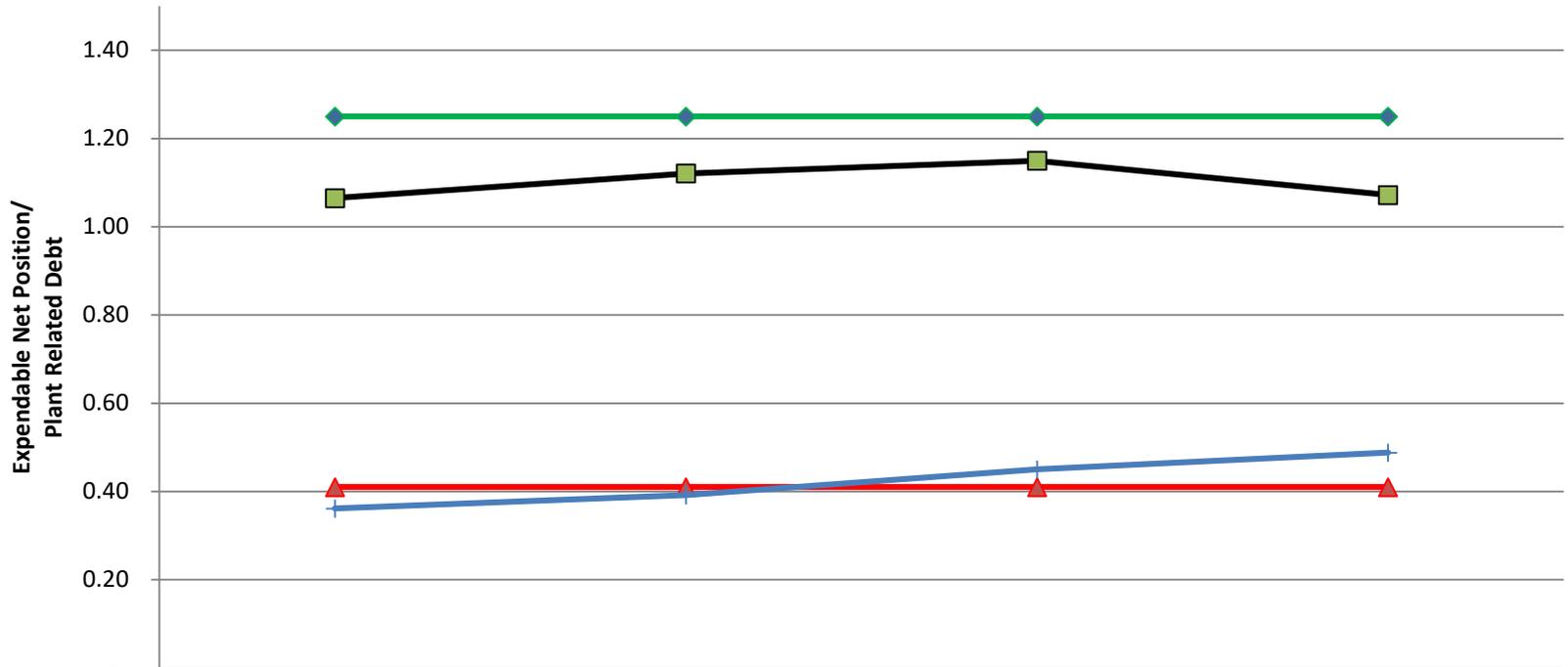
- Indicates whether the University is living within available resources
- Makes up 10% of the CFI
- Operating surplus or deficit / operating revenues

The University's CFI, along with each of the four ratios mentioned above, are included in these materials for your review.

Primary Reserve Ratio Fiscal Years 2015 – 2018

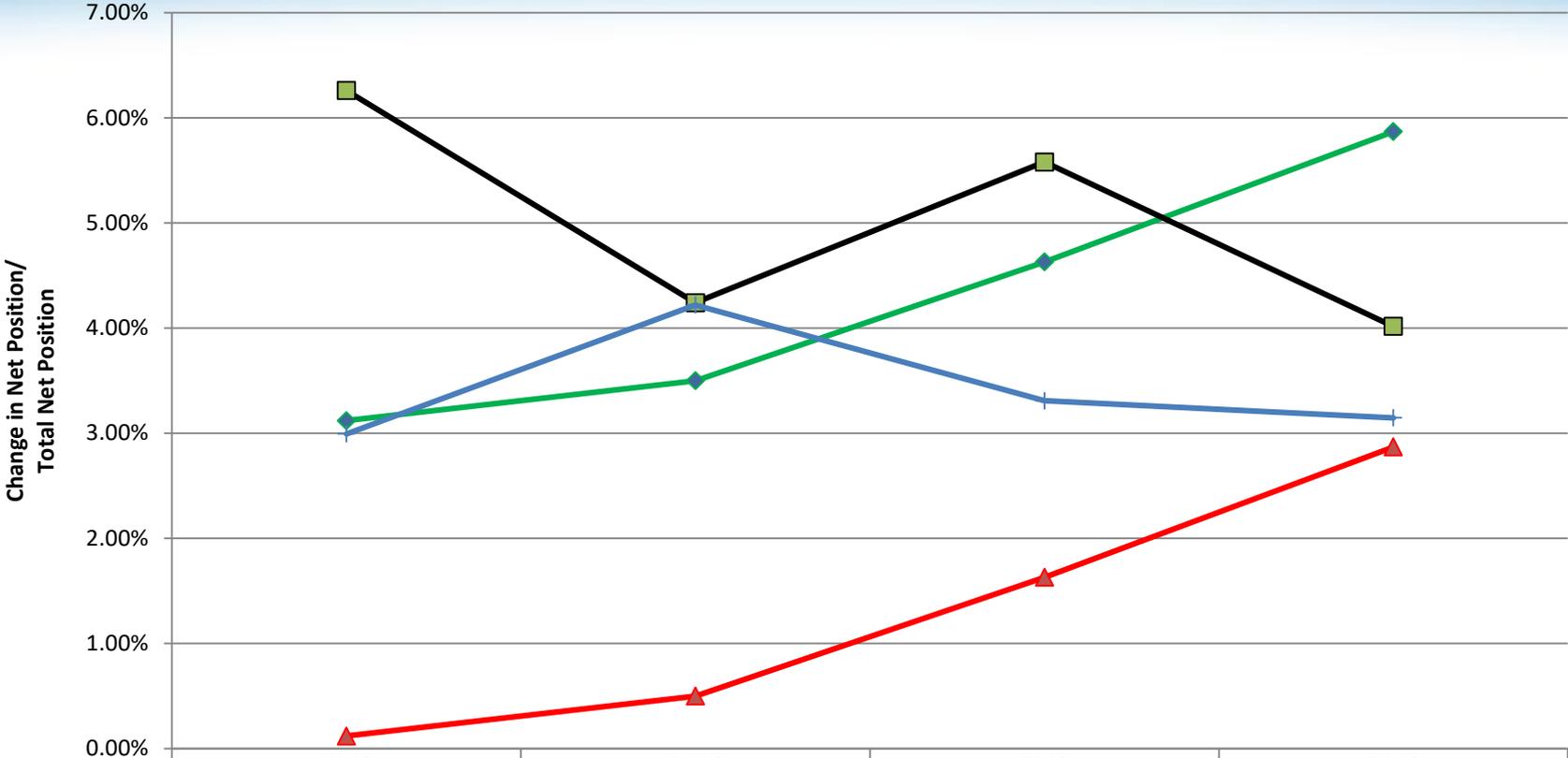


Viability Ratio Fiscal Years 2015 – 2018



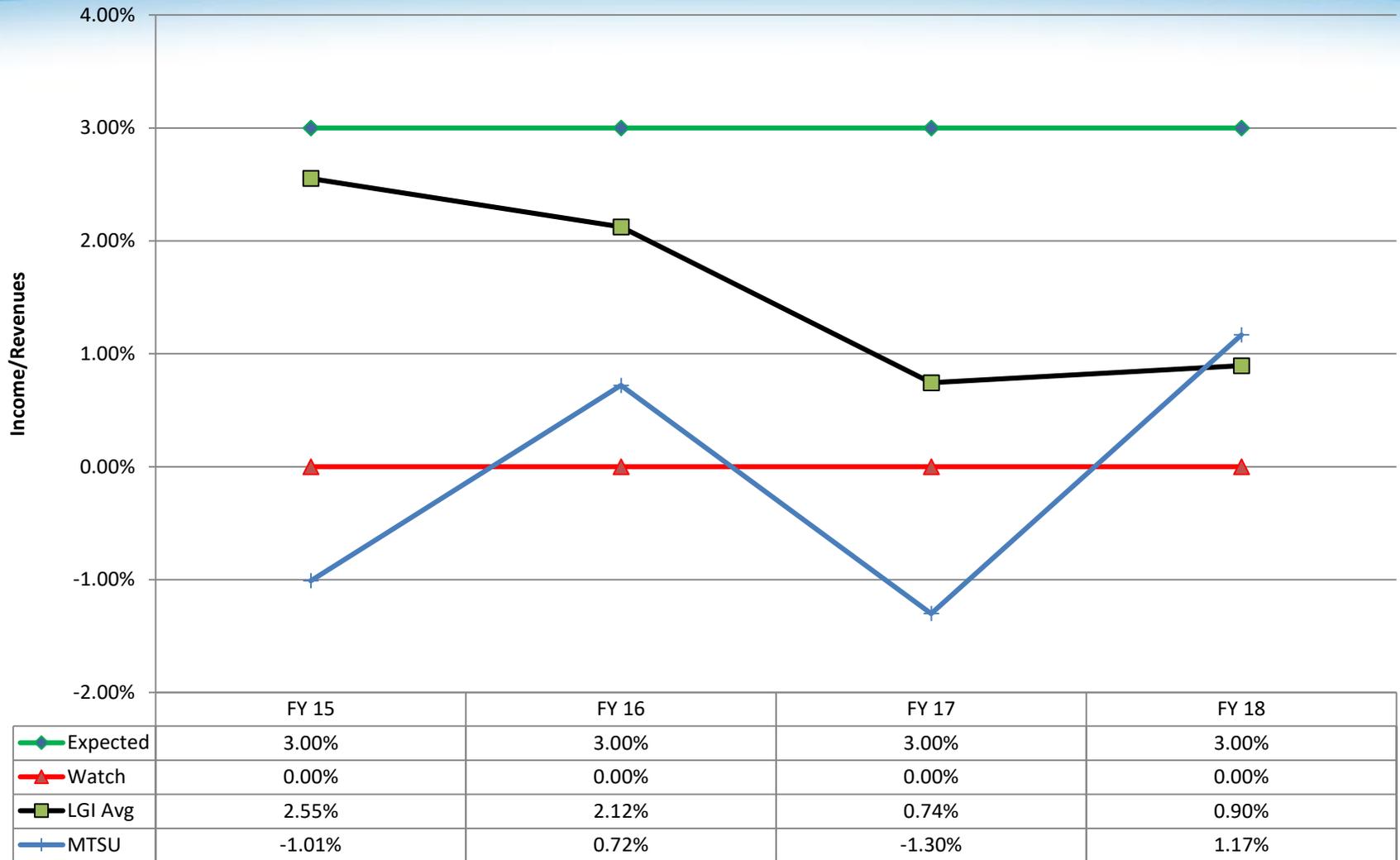
	FY 15	FY 16	FY 17	FY 18
◆ Expected	1.25	1.25	1.25	1.25
▲ Watch	0.41	0.41	0.41	0.41
■ LGI Avg	1.06	1.12	1.15	1.07
+ MTSU	0.36	0.39	0.45	0.49

Return on Net Assets Ratio Fiscal Years 2015 – 2018

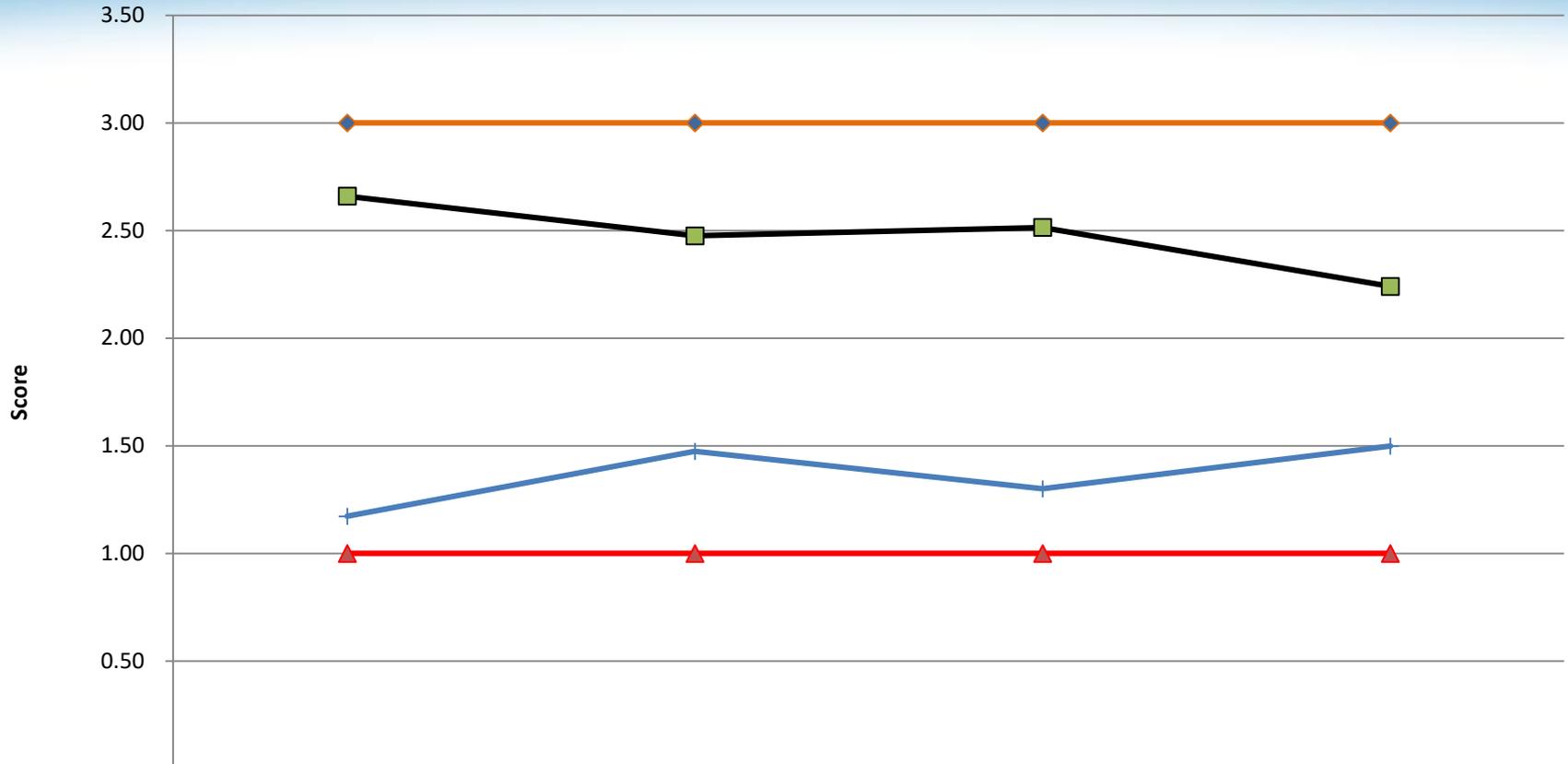


	FY 15	FY 16	FY 17	FY 18
Expected	3.12%	3.50%	4.63%	5.87%
Watch	0.12%	0.50%	1.63%	2.87%
LGI Avg	6.26%	4.24%	5.58%	4.02%
MTSU	2.99%	4.22%	3.31%	3.15%

Net Operating Revenues Ratio Fiscal Years 2015 – 2018



Composite Financial Index Fiscal Years 2015 – 2018



	FY 15	FY 16	FY 17	FY 18
Expected	3.00	3.00	3.00	3.00
Watch	1.00	1.00	1.00	1.00
LGI Avg	2.66	2.48	2.51	2.24
MTSU	1.17	1.47	1.30	1.50