



Board Meeting

Austin Peay State University

317 College Street

Clarksville, TN 37040

November 22, 2019

9:00 AM

Call to Order

Roll Call/Declaration of a Quorum

Adoption of Agenda

Approval of Minutes

Special Presentation by Justin Wilson, Tennessee Comptroller of the Treasury

Campus Spotlight

Action Items

A.Academic Affairs Committee Report and Recommendations

i.Adoption of Minutes

B.Students Affairs Committee Report and Recommendations

i.Adoption of Minutes

C.Audit Committee Report and Recommendations

i.Adoption of Minutes

D.Business and Finance Committee Report and Recommendations

i.Adoption of Minutes

ii.Consideration of the October Revised Budget for Fiscal Year 2019-2020

iii.Consideration of Campus Projects

iv.Consideration of Long-Term Lease Agreement with Montgomery County

E.Other Business

i.Consideration of Use of University Property Rule

ii.Consideration of Classifying Students In-State and Out-of-State Rule

iii.Consideration of Student Conduct and Disciplinary Sanctions Rule

Information Items

A.Student Affairs Division Update

B.Cybersecurity Update

C.President's Report

D.President's Interim Items

i.Review of State Building Commission Actions

Adjourn



September Board Meeting			
9.20.2019		9:00 am	317 College Street Clarksville, TN 37040
Meeting Type		Board Meeting	
Note taker		Joanne Shepard	
Attendees	Mr. Billy Atkins		Y
	Ms. Katherine Cannata		N
	Mr. Larry Carroll		Y
	Mr. Don Jenkins		Y
	Dr. Gary Luck		Y
	Dr. Valencia May		Y
	Ms. Stacy McAllister-Brooks		Y
	Brig. Gen. Robin Mealer		Y
	Mr. Mike O'Malley		Y
	Dr. Mickey Wadia		Y
	Dr. Alisa White, President		Y
	Ms. Dannelle Whiteside, VP for Legal Affairs and Secretary to the Board		Y
Trustee O'Malley called the meeting to order. Ms. Dannelle Whiteside, Vice President for Legal Affairs and Secretary to the Board, called the roll. There was a quorum.			
Adoption of Agenda			
Discussion			
Trustee O'Malley informed the Board that there were items on the agenda that needed to be adopted.			
Conclusions			
Trustee O'Malley moved for the adoption of the agenda. The motion was seconded by Trustee Jenkins. A voice vote was taken and passed unanimously with 8 trustees voting yes.			
Approval of Minutes			
Discussion			
Trustee O'Malley stated that the minutes for the June 7, 2019 Board meeting were circulated before the meeting. He asked if there were any corrections or additions to the minutes. There were none.			
Conclusions			
Trustee Luck made a motion to approve the minutes from the June 7, 2019 meeting. Trustee Atkins seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.			
Special Presentation by Steven Gentile, Chief Fiscal Officer, Tennessee Higher Education Commission			

Discussion	
<p>President White introduced Mr. Steven Gentile, Chief Fiscal Officer for the Tennessee Higher Education Commission (THEC). Mr. Gentile introduced Ms. Lauren Collier, Director of Institution and Board Affairs, and Mr. Jason Cavender, Chief Financial Officer, who were present at the meeting.</p> <p>Mr. Gentile gave an overview of the history of the funding formula and THEC's role in how funding is distributed to institutions. He spoke about the current outcomes-based formula and how it affects Austin Peay State University. Prior to 2011, the higher education funding formula was based on 14th day enrollment. Since 2011, the funding formula is based on the following: university outcomes, mission-differentiated weights, recognition of focus populations, maintenance and operation and quality assurance funding.</p> <ul style="list-style-type: none"> • APSU's outcomes are based on the following: • students accumulating 30 hours • students accumulating 60 hours • students accumulating 90 hours • Bachelors and Associate degrees • Masters/Ed. Specialist degrees • Doctoral/Law degrees • Research & Service • Degrees per 100 FTE • Six-year graduation rate <p>Mr. Gentile stated that Austin Peay has performed well in the outcomes-based funding formula and leads in receiving state appropriations compared to all state public universities. Mr. Gentile stated that in the near future, a 5-year review will be conducted on the formula funding outcomes.</p>	
Campus Spotlight	
Discussion	
<p>Trustee O'Malley asked President White to introduce the guest speaker. She introduced Mr. Gerald Harrison, APSU Athletics Director, to speak about student athletes' success outside of the playing field. Mr. Harrison introduced Ms. Katie Ethridge, Assistant Director of Athletics for Academics, who spoke on the Total Gov Experience for student athletes. This experience provides mentoring and leadership opportunities to students to help prepare them as student athletes and for life after college through initiatives such as: the Student Athlete Advisory Council, NCAA Social Media Campaign, community service and community outreach with the Fort Campbell military base.</p> <p>Ms. Ethridge highlighted the academic accomplishments of student athletes including: four consecutive semesters of 3.0 GPAs or better, perfect 1000 NCAA academic progress rates for four teams, a record number of athletes receiving the OVC's Academic Medal of Honor and being named to the OVC Commissioner's Honor Roll. She also highlighted three Academic All-American students. One of those students, Nia Gibbs-Francis, spoke about the many resources available to student athletes and the great relationships she has formed with the staff of the Athletics Department.</p>	

Election of Officers	
Discussion	
Trustee O'Malley stated that a Board Chair and Vice Chair needed to be elected to serve through 2021.	
Conclusions	
Trustee Carroll made a motion to nominate Trustee O'Malley to serve as Board Chair. Trustee Mealer made a motion to nominate Trustee Cannata to serve as Vice Chair. A voice vote was taken on each motion. Both motions were passed unanimously with 8 trustees voting yes.	
Committee Appointments by Board Chair	
<p>Pursuant to Article IX of the Bylaws of the APSU Board of Trustees, Trustee O'Malley made the following committee appointments:</p> <ul style="list-style-type: none"> • Executive Committee <ul style="list-style-type: none"> ○ Billy Atkins ○ Katherine Cannata ○ Mike O'Malley (Chair) • Student Affairs Committee <ul style="list-style-type: none"> ○ Don Jenkins (Chair) ○ Valencia May ○ Stacy McAllister-Brooks, Student Trustee ○ Mickey Wadia, Faculty Trustee • Academic Affairs Committee <ul style="list-style-type: none"> ○ Gary Luck ○ Valencia May ○ Stacy McAllister-Brooks, Student Trustee ○ Robin Mealer (Chair) ○ Mickey Wadia, Faculty Trustee • Audit Committee <ul style="list-style-type: none"> ○ Billy Atkins ○ Larry Carroll ○ Katherine Cannata (Chair) ○ Gary Luck • Business and Finance Committee <ul style="list-style-type: none"> ○ Billy Atkins (Chair) ○ Katherine Cannata ○ Larry Carroll ○ Don Jenkins 	
Academic Policies and Programs/Student Life Committee Report	
Discussion	
Trustee Jenkins reported on the actions of the academic policies and programs/student life committee at the September 19 meeting. The committee reviewed several information items: status of Doctor of Psychology (PsyD), Counseling Psychology Program; elevation of Broadcast Media Concentration to stand-alone major of BA/BS Communication Media; degree and certificate awards by type and academic year; program productivity report; and preliminary Fall enrollment.	
Conclusions	

Trustee Jenkins moved that the Board approve the minutes for the September 19 meeting. Trustee Luck seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Audit Committee Report	
Discussion	
Trustee Carroll reported on the actions of the audit committee at the September 19 meeting. The committee reviewed and approved the following action items: Internal Audit salaries and budget and the fiscal year 2020 Internal Audit Plan. The committee listened to presentations regarding the following informational items: fiscal year 2019 Internal Audit year-end report; Internal Audit reports released between May 11, 2019 and August 26, 2019, along with a list of outstanding audit recommendations; and external audit reports released between May 11, 2019 and August 26, 2019.	
Conclusions	
Trustee Carroll moved that the Board approve the minutes for the September 19 meeting. Trustee Luck seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Business and Finance Committee Report	
Discussion	
Trustee Atkins reported on the actions of the business and finance committee at the September 19 meeting. The committee reviewed and approved the proposed campus property acquisitions.	
Conclusions	
Trustee Atkins moved that the Board approve the minutes for the September 19 meeting. Trustee Jenkins seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Trustee Atkins moved that the Board approve the proposed campus property acquisitions. A roll call vote was taken and passed unanimously with 8 trustees voting yes.	
Executive Committee Report	
Discussion	
Trustee O'Malley reported on the actions of the executive committee at the September 19 meeting. The committee reviewed and approved the following action items: revisions to the APSU Bylaws of the Board of Trustees and revisions to the Presidential Base Compensation, Performance Evaluation, and Incentive Plan for fiscal year 2019-2020.	
Conclusions	
Trustee O'Malley moved that the Board approve the minutes for the September 19 meeting. Trustee May seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Trustee O'Malley moved that the Board approve the revisions to the APSU Bylaws of the Board of Trustees. A roll call vote was taken and passed unanimously with 8 trustees voting yes.	

Trustee O'Malley moved that the Board approve the revised Presidential Base Compensation, Performance Evaluation, and Incentive Plan for fiscal year 2019-2020. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Naming Request	
Discussion	
Lieutenant General Ron Bailey, Vice President for External Affairs, provided information to the Board on the following naming requests: the Coach George Fisher Conference Room; the Lisa Dahin Ross Classroom; and the Downey Baseball Operations Center and Clubhouse & Downey-Moore Creative Department Suite.	
Conclusions	
Trustee Jenkins moved that the Board approve the following naming requests: the Coach George Fisher Conference Room; the Lisa Dahin Ross Classroom; and the Downey Baseball Operations Center and Clubhouse & Downey-Moore Creative Department Suite. Trustee Carroll seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Consideration of Student Affairs Committee Charter and Revised Academic Affairs Committee Charter	
Discussion	
Trustee O'Malley stated that upon the recommendation of President White, the Academic Policies and Programs/Student Life Committee will be separated into two committees—the Academic Affairs Committee and the Student Affairs Committee. Because of this change, a charter revision was needed for the Academic Affairs Committee and ratification of a new charter was needed for the Student Affairs Committee.	
Conclusions	
Trustee Carroll made the motion to ratify the charter of the Student Affairs Committee and revise the Academic Affairs Committee charter. Trustee Luck seconded the motion. A roll call vote was taken and passed unanimously with 8 trustees voting yes.	
Adoption of Meeting Calendar for 2020	
Discussion	
Trustee O'Malley stated that the FOCUS Act requires the Board to have four regularly scheduled meetings per year. The following dates were presented for approval for 2020:	
<ul style="list-style-type: none"> • Spring: March 19 and 20 • Summer: June 4 and 5 • Fall: September 17 and 18 • Winter: December 3 and 4 	
Conclusions	
Trustee O'Malley made a motion to approve the proposed meeting calendar for 2020. Trustee Luck seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes.	
Student Affairs Division Overview	
Discussion	
Trustee O'Malley recognized Dr. Eric Norman, Vice President for Student Affairs to provide an overview of the Student Affairs Division. Dr. Norman discussed the	

mission and vision of the division, as well as the functions and services offered by each department. He presented the Board with several publications including: the Student Handbook & Calendar, Parent & Family Guide, Employer Guide, the Center for Service Learning & Community Engagement Yearly Review, and the Food Pantry Impact Report.

Discussion of THEC's Innovative Governance Convening

Discussion

Trustee O'Malley reported that last month the Trustees from the six locally governed institutions, the University of Tennessee, and the Regents from the Tennessee Board of Regents, convened to discuss innovation in higher education and the Trustees' role in innovation. Trustee Mealer stated the break-out sessions were very beneficial, and created an opportunity to collaborate with trustees from the different institutions. Trustee Wadia said the summit was very engaging. He learned more about his role as a new trustee and the future of higher education.

President's Report and Report on Interim Items

Discussion

Trustee O'Malley recognized President White to give her report to the Board. President White spoke about what makes Austin Peay unique and how the students and their stories shape the university.

Among the state universities, APSU has the highest number of non-traditional, Pell eligible, and military-affiliated students. Also, many students are first-generation attendees. To help assist the non-traditional students, APSU has an Adult, Non-traditional, and Transfer Student Center (ANTS) that specializes in creating a space to celebrate adult learners and transfer students while remaining open to all students.

Military-affiliated students at APSU make up a fourth of the students. Many of these students are active duty military personnel. To better assist the military-affiliated students, APSU opened the Military Student Center in 2010 and the Center has grown exponentially.

A mentoring program through the Wilbur N. Daniel African American Cultural Center helps support African-American male students. The Achievers and Scholars program pairs students with a faculty or staff mentor, and students attend mandatory meetings and workshops that integrate academic, social, and supportive components to engage students. Since the inception of the program, every participant has graduated from Austin Peay.

Dr. White highlighted several Austin Peay students who have accomplished extraordinary things such as Mallory Fundora, who created a feeding program for children in Africa; and Joshua Allen, who was a part of the summer Research Experience for Undergraduates at Princeton University. Several of APSU's alumni are now valuable employees of APSU, such as Barry Jones, Dean of the Colleges of Arts and Letters, Angie Judish, Director of Benefits, and Bill Persinger, Executive Director for Public Relations and Marketing.

Dr. White stated that each student helps build the Austin Peay story. APSU is different than all the other schools in the state because of the student body. Dr. White thanked the Board for their continued commitment to student success.

Dr. White stated that there were interim items provided to the Board including: a report on the contracts and agreements and State Building Commission actions since the last Board meeting.

Adjournment

Discussion

Trustee O'Malley thanked President White for her remarks. He stated the next Board of Trustees meeting is November 21 and 22 and moved to adjourn the meeting. Trustee Jenkins seconded the motion. A voice vote was taken and passed unanimously with 8 trustees voting yes. The meeting adjourned at 10:30 a.m.



Academic Affairs Committee			
11.21.19		1:30 p.m.	317 College Street
Meeting Type		Academic Affairs Committee Meeting	
Note Taker		Tammy Delvendahl	
Attendees			Present (Y/N)
		Brig. Gen. Robin Mealer, Chair	Y
		Gen. Gary Luck	Y
		Dr. Valencia May	Y
		Dr. Mickey Wadia	Y
		Ms. Stacy McAllister-Brooks	Y
		Dr. Rex Gandy, ex-officio	Y
		Mr. Mike O'Malley, ex-officio	Y
		Dr. Alisa White, President	Y
		Dannelle Whiteside, Secretary to the Board	Y
Call to Order			
Discussion			
Trustee Mealer called the meeting to order at 3:05 p.m. and roll was called.			
Conclusions			
Trustee Mealer determined there was a quorum.			
Information Item A - Master of Science in Criminal Justice - Letter of Notification to THEC to Establish Master's Program			
Discussion			
Trustee Mealer recognized Provost Rex Gandy to provide information regarding the Master of Science in Criminal Justice. Dr. Gandy informed the committee that a letter of notification will be submitted to THEC to develop a Master of Science in Criminal Justice with a concentration in Homeland Security. The proposed graduate program supports APSU's University Mission to serve its community, including the significant			

military affiliated student population, the region, and the state of Tennessee. SACSCOC approval will be required.

A discussion followed regarding online course offerings, the research conducted to support new degrees, and the student interest in the Master of Science in Criminal Justice.

Conclusions

This was an information item and required no action.

Information Item B - Bachelor of Science in National Security Studies - Letter of Notification to THEC to Establish Bachelor's Program

Discussion

Trustee Mealer recognized Provost Gandy to provide information regarding the Bachelor of Science in National Security Studies. Dr. Gandy reported that a letter of intent will be submitted to THEC to develop a Bachelor of Science in National Security Studies (NSS). The proposed program supports APSU's University Mission to serve its community, including the significant military affiliated student population, the region, and the state of Tennessee.

A discussion followed regarding the need for the degree in this region.

Conclusions

This was an information item and required no action.

Information Item C- Fall Census Enrollment

Discussion

Trustee Mealer recognized Provost Gandy to provide information regarding the Fall 2019 census enrollment. Dr. Gandy reported that the official enrollment of 11,048 is the highest in APSU's history. The committee members were provided a graph titled the "Rates of Growth for Tennessee Public Universities for Fall 2013 - Fall 2019."

A discussion followed regarding APSU's regional competitors, dual enrollment, and maintaining low faculty/student ratios in the classroom.

Conclusions

This was an information item and required no action.

Adjourn

Discussion

Trustee Mealer moved to adjourn the meeting. Trustee Luck seconded the motion. The meeting adjourned at 3:32 p.m.

Student Affairs Committee			
11.21.19		1:30 p.m.	317 College Street
Meeting Type		Student Affairs Committee	
Note Taker		Diana Forte	
Attendees			Present (Y/N)
		Mr. Don Jenkins, Chair	Y
		Dr. Valencia May	Y
		Ms. Stacy McAllister-Brooks	Y
		Dr. Mickey Wadia	Y
		Dr. Eric Norman, ex-officio	Y
		Mr. Mike O'Malley, ex-officio	Y
		Dr. Alisa White, President	Y
		Dannelle Whiteside, Secretary to the Board	Y
Call to Order			
Discussion			
Trustee Jenkins called the meeting to order at 3:43 p.m. and roll was called.			
Conclusions			
Trustee Jenkins determined there was a quorum.			
Information Item A - Adult, Nontraditional and Transfer Student Center Student Success Initiatives			
Discussion			
Trustee Jenkins recognized Dr. Eric Norman, Vice President for Student Affairs, who provided an overview of the Adult, Nontraditional and Transfer Student Center.			
Dr. Norman stated that both nontraditional and transfer students make up a significant percentage of Austin Peay's undergraduate enrollment. The Adult, Nontraditional & Transfer Student (A.N.T.S.) Center fosters student success among this population through a variety of resources, programs, and services. The A.N.T.S. Center serves as a designated space where transfer and nontraditional students can take a break in-between classes, study, or go with institutional questions.			

In addition to providing a space, the A.N.T.S Center provides social and educational programs to promote student success including test preparation materials. In the coming months, the Center hopes to increase programming and online engagement opportunities, strengthen relationships with various campus departments, implement a transfer ambassador program, and expand the center.

A discussion followed regarding child care for adult and nontraditional students on campus.

Conclusions	
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This was an information item and required no action.

Information Item B - G1GOVS First Generation Student Success Initiative

Discussion	
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Trustee Jenkins recognized Dr. Eric Norman, Vice President for Student Affairs, who provided information about the G1GOVS First Generation Student Success Initiative. Dr. Norman stated that G1GOVS was created to identify any student, faculty, or staff member who identifies as the first in their family to go to college. The University has hosted two pinning ceremonies for first generation students since the beginning of the fall semester. There are four programs scheduled for first generation students for the Spring 2020 semester.

There was a discussion about the significant percentage of first generation college students at APSU.

Conclusions	
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This was an information item and required no action.

Follow-up Items	Person	Deadline
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Percentage of TN Promise Students who are first generation.		ASAP
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Adjourn

Discussion	
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Trustee Jenkins moved to adjourn the meeting. Trustee May seconded the motion. The meeting adjourned at 3:57 p.m.



Audit Committee Meeting			
11.21.19		1:30 p.m.	317 College Street
Meeting Type		Audit Committee Meeting	
Note Taker		Beth Chancellor	
Attendees			Present (Y/N)
		Ms. Katherine Cannata, Chair	Y
		Mr. Billy Atkins	Y
		Mr. Larry Carroll	Y
		General Gary Luck	Y
		Mr. Mike O'Malley, ex-officio	Y
		President Alisa White	Y
		Dannelle Whiteside, Vice President for Legal Affairs and Secretary to the Board	Y
Call to Order			
Discussion			
Trustee Cannata called the meeting to order at 1:45 p.m. and the roll was called.			
Conclusion			
Trustee Cannata determined there was a quorum.			
Information Item A - Internal Audit Reports with List of Outstanding Audit Recommendations			
Discussion			
Trustee Cannata recognized Blayne Clements for a report. Clements explained that the meeting materials include a list of all the internal audit reports released between August 27, 2019 and October 29, 2019. Clements briefly discussed the two reports released during this time period. Clements also explained that the Office of Internal Audit follows up on all recommendations included in internal audit reports and a summary of outstanding audit recommendations was provided to the committee. At the request of Trustee Cannata, Clements gave some additional information on the			

reason the business continuity plan is still on the list of outstanding audit recommendations.

Conclusions

This was an information item and required no action.

Information Item B - Client Satisfaction Survey Results - Fall 2019

Discussion

Trustee Cannata recognized Blayne Clements for a report. Clements explained the customer satisfaction survey was implemented in October 2016. The current survey was sent to ten employees who had significant interaction with the Office of Internal Audit for audits completed between April 2019 and September 2019. Clements explained the charts and stated that he was pleased with the response rate and results.

Conclusions

This was an information item and required no action.

Information Item C - Information Technology Security Update

Discussion

Judy Molnar presented a brief overview on information technology security.

Conclusions

This was an information item and required no action.

Adjourn

Discussion

Trustee Atkins moved to adjourn the meeting. Trustee Luck seconded the motion. The meeting adjourned at 2:12 p.m.



Audit Committee Meeting - Executive Session			
11.21.19		1:30 p.m.	317 College Street,
Meeting Type	Audit Committee Meeting - Executive Session		
Note Taker	Beth Chancellor		
Attendees			Present (Y/N)
		Ms. Katherine Cannata, Chair	Y
		Mr. Billy Atkins	Y
		Mr. Larry Carroll	Y
		General Gary Luck	Y
		Mr. Mike O'Malley, ex-officio	Y
		President Alisa White	Y
		Dannelle Whiteside, Vice President for Legal Affairs and Secretary to the Board	Y
Call to Order			
Discussion			
Trustee Cannata called the meeting to order at 1:32 p.m. and roll was called.			
Conclusion			
Trustee Cannata determined there was a quorum.			
Executive Session			
Discussion			
Trustee Cannata recognized Blayne Clements for a report and mentioned that executive sessions are generally only allowed to discuss ongoing audit investigations and that everything discussed is to be considered confidential and not shared outside the session. Clements reminded the attendees the materials were confidential and not to be distributed.			
Clements explained that due to the inherent sensitive nature of the contents of management's risk assessment, General Counsel has advised the risk assessment			

documents be deemed sensitive and only be discussed in executive session. Clements discussed the university's internal audit structure and efforts to monitor compliance pertinent to the areas assessed.

Clements stated there were no open investigations to discuss.

Adjourn

Discussion

Trustee Cannata moved to adjourn the meeting. Trustee Luck seconded the motion. The meeting adjourned at 1:41 p.m.



Business and Finance Committee Meeting			
11.21.19		1:30 p.m.	317 College Street
Meeting Type	Business and Finance Committee Meeting		
Note Taker	Hannah Allen		
Attendees			Present (Y/N)
	Mr. Billy Atkins, Chair		Y
	Ms. Katherine Cannata		Y
	Mr. Larry Carroll		Y
	Mr. Don Jenkins		Y
	Mr. Mike O'Malley, ex-officio		Y
	Mr. Mitch Robinson, ex-officio		Y
	President Alisa White		Y
	Dannelle Whiteside, Vice President for Legal Affairs and Secretary to the Board		Y
Call to Order			
Discussion			
Trustee Atkins called the meeting to order at 2:17 p.m. and roll was called.			
Conclusions			
Trustee Atkins determined there was a quorum.			
Action Item A - Consideration of the October Revised Budget for Fiscal Year 2019-2020			
Discussion			
Trustee Atkins recognized Mr. Robinson, Vice President for Finance and Administration, to present information regarding the October revised budget for fiscal year 2019-2020. Mr. Robinson stated that the October revised budget is based on more recent information, including actual fall enrollments. He stated that changes in			

the revised budget are primarily due to less than expected tuition revenue resulting from a shift in the mix of newly enrolled students taking fewer semester credit hours overall . Tuition revenue is expected to increase next year as freshman applications have already increased. The Ft. Campbell Center enrollment and the out-of-state enrollment have increased and continue to increase. Mr. Robinson briefly discussed current enrollment trends and discussed the University's revised revenues, expenditures by function, and expenditures by natural classification.

A discussion followed regarding items included in the public service category of the expenditures by function section. Mr. Robinson stated that the public service category includes the TN Small Business Development Center matching funds, some athletic facilities functions, and the Tennis Center functions.

Trustee Cannata moved to approve the October revised budget for fiscal year 2019-2020. Trustee Carroll seconded the motion.

Conclusions	
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A roll call vote was taken and carried unanimously with 4 trustees voting yes.

Billy Atkins: Yes

Katherine Cannata: Yes

Larry Carroll: Yes

Don Jenkins: Yes

Yes: 4, No: 0

Action Item B - Consideration of Campus Projects

Discussion	
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Trustee Atkins recognized Mr. Robinson to present information regarding campus projects. Mr. Robinson stated that Board Policy 1:024 requires the Board of Trustees to consider the approval of projects in excess of \$500,000. Mr. Robinson provided project information and budgets for the Catherine Evans Harvill Food Venue renovation project (budget: \$3.8 million paid by the food vendor), the College and 4th St. Building renovation project (budget: \$985,000), the Welcome Center renovation project (budget: \$550,000), and the Browning Plaza improvements project (\$1.2 million).

Trustee Jenkins moved to approve the campus projects. Trustee Cannata seconded the motion.

Conclusions	
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A voice vote was taken and carried unanimously with 4 trustees voting yes.

Action Item C - Consideration of Long-Term Lease Agreement with Montgomery County

Discussion	
<p>Trustee Atkins recognized Mr. Robinson to present information regarding the long-term lease agreement with Montgomery County. Mr. Robinson stated that APSU is now seeking consideration of the annual base rental fee in the proposed lease agreement for use of the multi-purpose event center (MPEC), which will allocate dedicated space to APSU along with 30 event days per year. Mr. Robinson stated that the annual base rental fee is \$1 million per year for the first five years and then \$800,000 per year for years 6-30. Mr. Robinson explained the numerous revenue enhancements that will reduce the net outlay by the University. Furthermore, after consulting with a construction company to determine the cost to build a similar practice facility and renovate the Dunn Center to offer more amenities, it was determined that building on campus would require the University to take on an additional \$16 million in debt, with an anticipated debt service of \$1.4 million per year. Mr. Robinson stated that while they don't anticipate any changes for the annual base rental fees in the lease agreement, minor edits may still be negotiated between APSU and Montgomery County.</p> <p>A discussion followed regarding the specific cost and revenue plan for the partnership.</p> <p>Trustee Carroll moved to approved the annual based rental fee for the lease agreement with Montgomery County with the understanding that minor edits to the lease may still be negotiated between APSU and Montgomery County. Trustee Jenkins seconded the motion.</p>	
Conclusions	
<p>A roll-call vote was taken and carried unanimously with 4 trustees voting yes.</p> <p>Billy Atkins: Yes</p> <p>Katherine Cannata: Yes</p> <p>Larry Carroll: Yes</p> <p>Don Jenkins: Yes</p> <p>Yes: 4, No: 0</p>	
Information Item A - Review 2020-21 THEC State Appropriations Distribution Recommendation	
Discussion	
<p>Trustee Atkins recognized Mr. Robinson to present information regarding the 2020-21 THEC state appropriations distribution recommendation. Mr. Robinson presented preliminary recommendations from the fall quarterly THEC meeting for 2020-21 state appropriations distribution recommendation. For fiscal year 2020-21, THEC has recommended an increase of \$1,935,200 in state funding for a total of \$52,438,300, a 3.8% increase overall. . Mr. Robinson then discussed THEC's outcomes formula.</p>	

A discussion followed about the funding for other state universities. Mr. Robinson presented a breakdown of the components part of the total recommendation.

Conclusions	
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This was an information item and required no action.

Information Item B - Review 2020-21 THEC Capital Outlay and Capital Maintenance Projects Recommendations	
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Discussion	
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Trustee Atkins recognized Mr. Robinson to present information regarding the 2020-21 THEC capital outlay and capital maintenance projects recommendations. Mr. Robinson presented preliminary recommendations from the fall quarterly THEC meeting for 2020-21 capital outlay and capital maintenance projects recommendation. For the 2020-21 capital outlay projects, THEC has recommended a total of \$310.18 million, and APSU's \$67,735,000 Health Professions Building is the third highest priority on THEC's list. The total request for state funding is \$60,961,500 with matching funds of \$6,773,500, which can be funded 60% by institutional reserves and 40% by gifts. Mr. Robinson stated that APSU's capital outlay team worked hard to improve the proposal from last year to receive such a high ranking this year. THEC also recommended a total of \$4,670,000 for three capital maintenance projects, which include the Dunn Center HVAC replacement, elevator upgrades, and the Sundquist Science Center exhaust systems controls Phase I. There is a possibility that the State will increase the capital maintenance funds for colleges and universities, and University administration is preparing additional maintenance projects in the event of this increase.

Conclusions	
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This was an information item and required no action.

Information Item C - Review 2020-21 THEC Tuition and Fee Recommendation	
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Discussion	
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Trustee Atkins recognized Mr. Robinson to present information regarding the 2020-21 THEC tuition and fee recommendation. Mr. Robinson presented preliminary recommendations from the fall quarterly THEC meeting for 2020-21 tuition and fees. THEC has set the preliminary binding tuition and mandatory fee range at 0% to 2.0% for fiscal year 2020-21. Mr. Robinson presented information on what the potential increase would look like for APSU. Mr. Robinson stated that 2020-21 would mark 5 consecutive years that APSU increased tuition and mandatory fees by less than 3.0%. Mr. Robinson explained that APSU could increase fees by the full 2.0%, with all other universities remaining at zero, and still have the second-lowest in-state tuition and mandatory fee among public universities.

Conclusions	
This was an information item and required no action.	
Adjourn	
Discussion	
Trustee Atkins moved to adjourn the meeting. Trustee Cannata seconded the motion. The meeting adjourned at 3:02 p.m.	

Austin Peay State University
Comparison of Proposed Budget and Revised Budget
Fiscal Year 2019-2020

Revenue/Funds Available

Education and General	Proposed	Revised
Prior Year Retained Funds:		
Re-budgeted for Carryforwards and One-time Expenses		\$ 1,351,400
Reserved for Current Year Tuition Deficit		1,021,000
Tuition and Fees	\$ 88,316,200	86,517,500
State Appropriations	50,304,200	50,503,100
Grants and Contracts	263,700	360,500
Sales & Services of Educational & Other Activities	7,264,400	6,689,700
Other Sources	421,100	1,004,900
Auxiliary Enterprises		
Sales & Services of Auxiliary Enterprises	14,566,100	14,275,000
Total Revenues	\$ 161,135,700	\$ 161,723,100

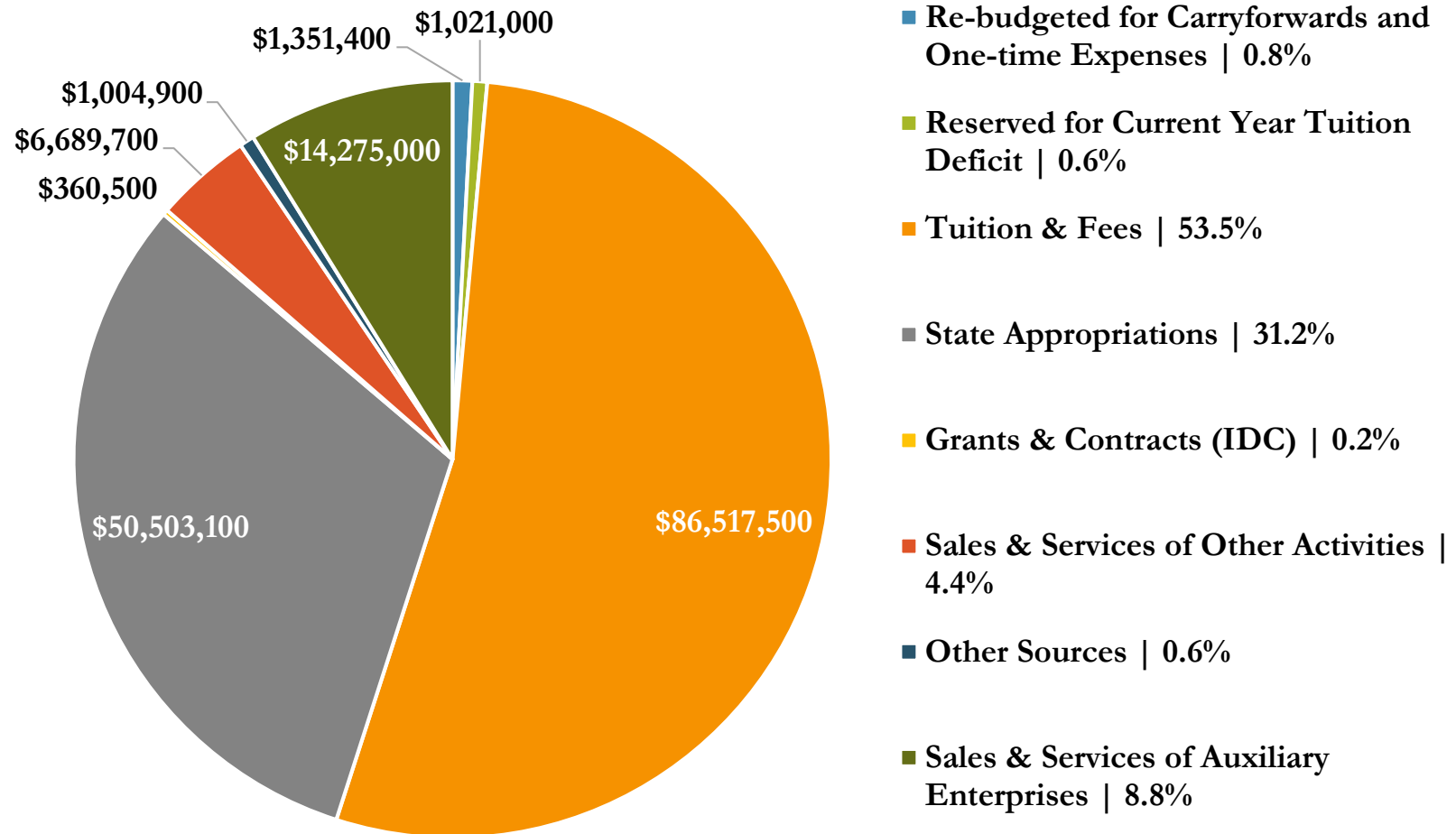
Expenditures and Transfers by Function

Education and General	Proposed	Revised
Instruction	\$ 66,817,500	\$ 68,552,900
Research	654,800	869,800
Public Service	478,200	544,200
Academic Support	10,430,400	10,425,000
Student Services	23,258,400	23,829,000
Institutional Support	13,927,400	14,447,400
Operation and Maintenance of Plant	14,980,200	14,805,300
Scholarships and Fellowships	12,763,000	11,013,500
<u>Transfers</u>		
Principal and Interest	3,424,700	3,426,000
Renewal and Replacement	235,000	235,000
Unexpended Plant	-	-
Other Funds	(400,000)	(700,000)
Auxiliary Enterprises		
Expenditures	7,875,200	8,512,500
<u>Transfers</u>		
Principal and Interest	4,421,900	4,421,900
Renewal and Replacement	1,815,600	640,600
Other Funds	453,400	700,000
Total Expenses	\$ 161,135,700	\$ 161,723,100

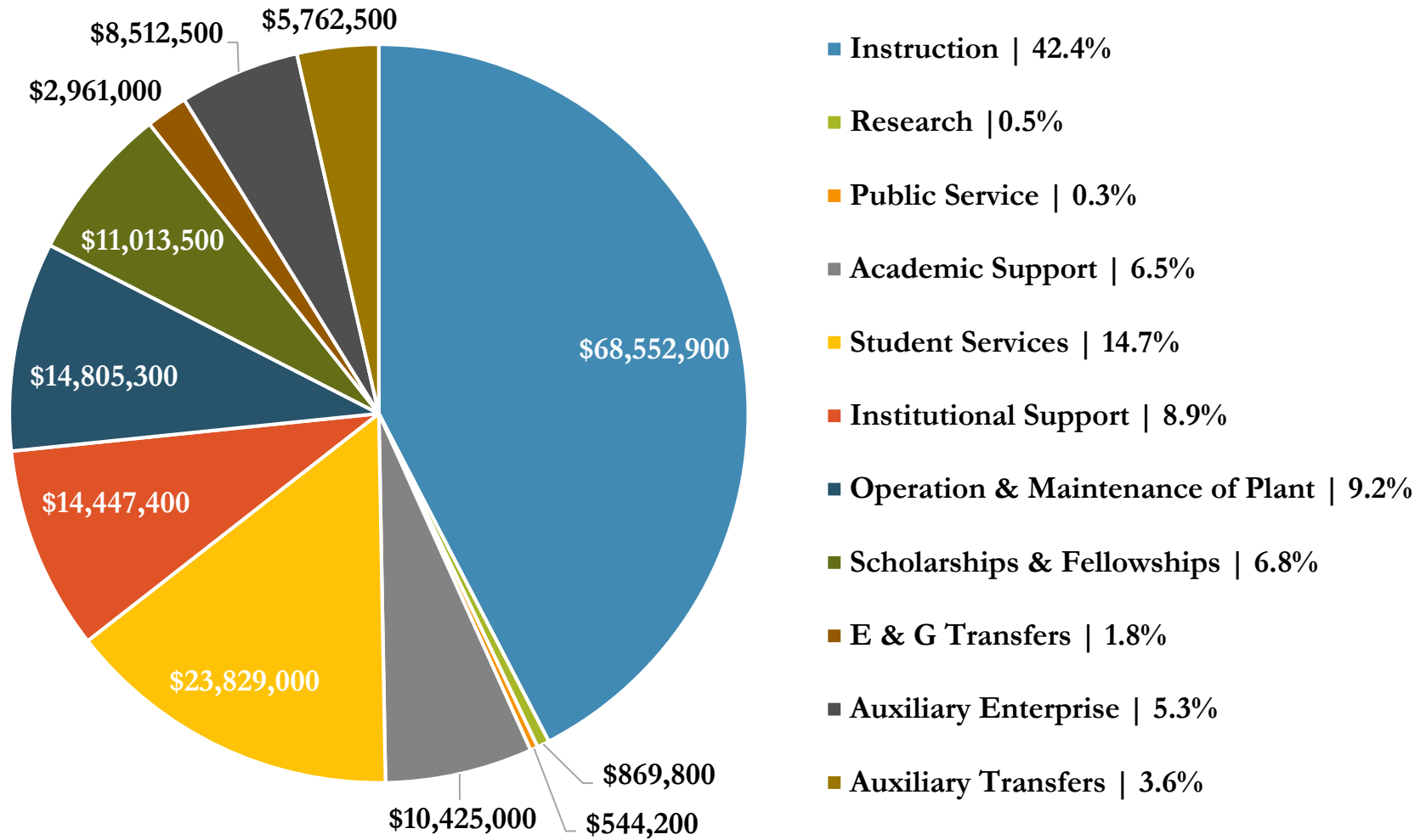
Expenditures and Transfers by Natural Classification

Education and General	Proposed	Revised
Salaries	\$ 74,080,300	\$ 75,001,300
Employee Benefits	30,222,200	30,592,300
Operating Expenses	39,007,500	38,893,500
Transfers	3,259,700	2,961,000
Auxiliary Enterprises		
Salaries	1,920,900	2,090,400
Employee Benefits	477,400	529,700
Operating Expenses	5,476,800	5,892,400
Transfers	6,690,900	5,762,500
Total Expenses	\$ 161,135,700	\$ 161,723,100

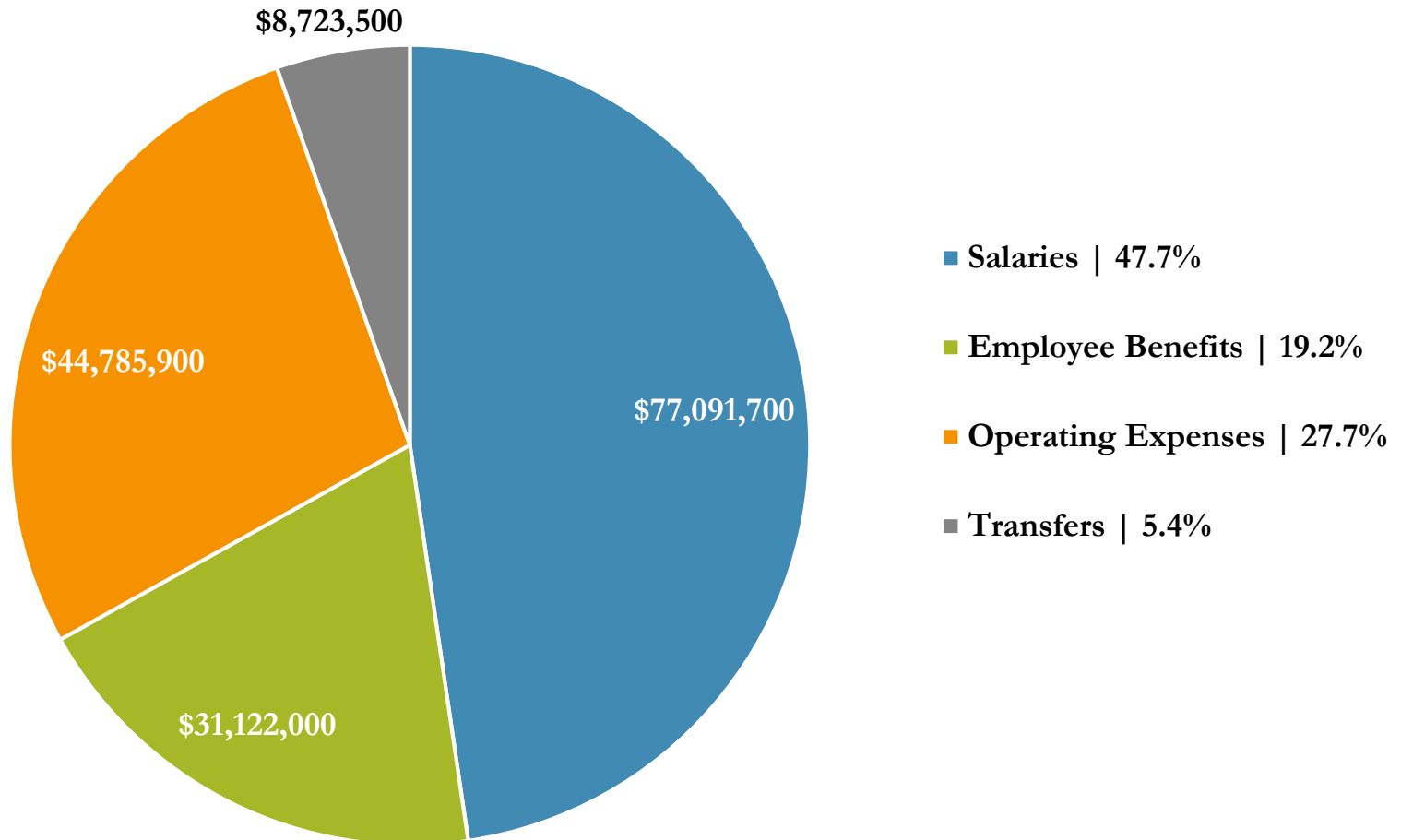
Revenues Revised Budget



Expenditures by Function Revised Budget



Expenditures by Natural Classification Revised Budget



Rules
of
Austin Peay State University

Chapter 0240-05-03
Use of University Property

Table of Contents

0240-05-03-.01	Dedication of University Property	_____
0240-05-03-.02	Definitions	_____
0240-05-03-.03	Access to Facilities and Prioritized Users	_____
0240-05-03-.04	Use by Non-affiliated Individuals/Entities	_____
0240-05-03-.05	Denial of the Use of Facilities or Property	_____
0240-05-03-.06	General Conditions for Use of Property or Facilities	_____
0240-05-03-.07	Distribution of Leaflets, Literature, Pamphlets	_____
0240-05-03-.08	No-Trespass Notices	_____

0240-05-03-.01 Dedication of University Property. Austin Peay State University (“APSU” or “University”) dedicates its property exclusively to the advancement of the University’s principal missions of teaching, research, and service. The University regulates its property to preserve it for the advancement of the University’s principal missions.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.02 Definitions.

- (1) The term “University Property” means all land, grounds, structures, facilities, and any other physical property owned, controlled, or operated by Austin Peay State University.
- (2) The term “University Unit” means any academic, administrative, or auxiliary department or division of the University or any other official entity of the University, functioning through University employees acting within the scope of their University employment.
- (3) The term “Unmanned Aircraft” means a device that is used or is intended to be used for flight in the air without an individual in or on the device (including but not limited to drone, model aircraft).
- (4) The term “Affiliated Entities” means an officially registered student, student group or student organization.
- (5) The term “Affiliated Individuals” means persons officially connected with the University including students, faculty, and staff.

- (6) The term “Non-affiliated individual or Entity” means any person who is not an “Affiliated Individual” or “Affiliated Entity” as defined in paragraph (4) or (5).
- (7) The term “Student” means a person who is currently registered for a credit course or courses, non-credit course or program at the University, including but not limited to reciprocal study abroad programs and clinical placements, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.
- (8) The term “University Facilities” means any structure or outdoor or indoor properties owned, controlled, or operated by Austin Peay State University.
- (9) The term “University Official” means an individual employed by the institution with the authority to make decisions on behalf of the University.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.03 Access to Facilities and Prioritized Users

- (1) Access to and use of APSU’s campuses, facilities, and property are restricted to the University, the University administration for official functions, affiliated individuals/entities, and the University’s invited or sponsored guests, or when part or all of a campus, its buildings or facilities are open to the general public for a designated period of time and purpose, or when access/use by Non-Affiliated Entities or Individuals has been allowed pursuant to the provisions of this rule.
- (2) Denial of a request to access/use campus facilities and/or University Property shall be based solely on factors related to reasonable regulations in light of the University’s educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner.
- (3) Priority for the use of University Facilities is in the following order: 1) credit and non-credit classes and programs, 2) University-sponsored activities, 3) all other requests for usage. When considering requests for use, priority shall be given to affiliated individual/entities whose proposed use is consistent with the University’s educational mission, with highest priority for use of University buildings, facilities, and/or property always being reserved for administrative and educational uses. Educational and administrative uses include, but are not limited to: classes, university wide events, commencement, awards programs, and recruitment and/or registration events.
- (4) All requests for use of University Facilities must be made via APSU’s website, where there is an online list of the facilities/areas available for use/rental by affiliated and/or non-affiliated entities and individuals. Applications will be evaluated and processed in the order they are received. Facilities use requests not related to class scheduling are reviewed and approved/denied in the University Facilities Office, except for the following:
 - (a) All Athletic spaces (Dunn Center and associated athletic fields) approved by the Office of Athletic Director.
 - (b) Music/Mass Communications Concert Hall approved by Office of the School of Music.

- (c) Foy Recreation Center and Intramural Field approved by the Office of University of Recreation.
- (5) Applications to reserve facility space for priority use (administrative and educational) should be submitted prior to April 1 for the following academic year. After that date, facility space scheduling for the following academic year will be open to affiliated entities/individuals for all other uses. After the Spring Semester is concluded, scheduling will open to non-affiliated entities/individuals. However, the scheduling or the rescheduling of classes, no matter the time of the year, takes priority over all other scheduling.
- (6) Notification of approval or denial of an application to reserve University/Facilities/Space will be provided by email.
- (7) All approved users of University Facilities or University Property are subject to all APSU rules, polices, and procedures and federal, state and local laws. Further, they must adhere to any conditions of facility usage as outlined in this rule or stated by the approving body.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64

0240-05-03-.04 Use by Non-affiliated Individuals/Entities.

- (1) Non-affiliated Individuals/Entities may apply for use or access to designated University Property.
- (2) The University has designated the Morgan University Center as the main location on campus for use by Non-affiliated Individuals/Entities to request. Campus auditoriums and gyms may be available for rent on a space available basis if the event does not interfere with the educational mission of the University.
- (3) The University Center Plaza is the designated space on campus, where access may be granted to Non-affiliated Individuals/Entities without an associated fee. A fee may be assessed should the requesting party require fees including but not limited to additional set up, security, cleanup or audio visual (AV) support. All other assignable University space will have, at a minimum, a rental fee associated with the space.
- (4) Long term use of (more than once and less than four (4) months) assignable University Facilities and/or Property is subject to a review of request and the impact of the ongoing operations of APSU.
- (5) A contract may be required based on the nature of the requested event. Non-affiliated Individuals/Entities will be required to submit a deposit for the space equal to half (1/2) of their total estimated costs.
- (6) A forfeiture of a deposit will be applied to non-affiliated individuals/entities based on the following:
 - (a) Cancellation one hundred and twenty (120) days before the start of their event- 100% refund;

- (b) Cancellation ninety (90) to one hundred and twenty (120) days before the start of their event- 75% refund;
- (c) Cancellation thirty (30) to sixty (60) days before the start of their event- 25% refund; and
- (d) Cancellation less than thirty (30) days- no refund.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.05 Denial of the Use of Facilities or Property. Denial of a request to access/use University Property and/or Facilities shall be based solely on factors related to reasonable regulations in light of the University's educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. Such reasons may include, but are not limited to, the following:

- (1) The Property or Facilities have been previously reserved by another group, organization or individual with equal or higher priority;
- (2) Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant;
- (3) Use of the Property or Facilities requested would be impractical due to scheduled usage prior to or following the requested use, or due to other extenuating circumstances;
- (4) The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration;
- (5) The applicant or sponsor of the activity has been responsible for violation of University policy during a previously registered use of campus Property or Facilities;
- (6) The applicant has previously violated any conditions or assurances specified in a previous registration application;
- (7) The Facility or Property requested has not been designated as available for use for the time/date;
- (8) The anticipated size or attendance for the event will exceed building/fire codes, established safety standards, and/or the physical or other limitations for the Facility or Property requested;
- (9) The activity is of such nature or duration that it cannot reasonably be accommodated in the Facility or area for which application is made;
- (10) The size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the University, the educational use of other facilities or services on campus or the flow of vehicular or pedestrian traffic;
- (11) The activity conflicts with existing contractual obligations of the University;

- (12) The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the University's officials, faculty members, or students, the damage or destruction, or seizure and subversion, of the University's or school's buildings, other property, or for other campus disorder of a violent or destructive nature. In determining the existence of a clear and present danger, the responsible official may consider all relevant factors; or
- (13) The requested use would be contrary to local, state, or federal law, and regulation, or the University's rules, policies, regulations, procedures, or mission.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.06 General Conditions for Use of Property or Facilities. Once an Affiliated Individual or Entity or a Non-Affiliated Individual or Entity has permission to use University Property or Facilities, including open access areas, the requirements outlined in this section, as well as all other requirements put forth in this rule, must be met. Violation of, or failure to comply with, the requirements set forth in this rule or other University policies may result in the immediate revocation of previously granted approval for access/use of University Property or Facilities.

- (1) Applicable building, fire codes, and safety standards applicable to a particular facilities and/or property must be met.
- (2) All APSU rules and/or policies must be followed.
- (3) Sound amplification equipment may be used only when prior approval has been requested and approved by the appropriate official taking into account the University's educational mission and the nature of the facility or property requested, location, and time of day.
- (4) Any rental of University equipment must follow the University Facilities guidelines as defined in .02.
- (5) All persons operating motor vehicles in conjunction with an approved use/access of University Facilities and/or Property shall be subject to University rules, regulations, policies and procedures regarding traffic and parking.
- (6) Users of University Facilities or Property and/or their sponsor(s) are responsible for all activities associated with the event.
- (7) Use of the requested University Facility and/or Property shall be limited to the declared purpose in the application for use/access to University Facilities and/or Property.
- (8) Access to, or use of, University Facilities shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this rule and/or other applicable University rules and guidelines. Such use shall be limited to the specific time and location set forth in the notice of approval/registration document.
- (9) All persons on campus in conjunction with an approved application for use/access shall provide adequate identification upon request to appropriate officials and security personnel of the University. Persons or groups who refuse to provide such identification may be subject to immediate removal from campus and/or disciplinary action. In appropriate circumstances, such persons may become subject to arrest and/or prosecution.

- (10) Austin Peay State University has the right to terminate the use of University Property or Facilities by any group, organization or individual that violates any provision of this rule, University policy, local, state, or federal law or regulation. Failure to comply with the requirements set forth in this rule or other University rules. Guidelines, and policies may result in the immediate revocation of previously granted approval for access/use of University Facilities or Property, and student disciplinary sanctions, if appropriate.
- (11) Non-affiliated Entities/Individuals using APSU facilities, shall indemnify the institution. In certain circumstances or events, the University reserves the right to require:
 - (a) Adequate bond or other security for damage to University property;
 - (b) Personal injury and property damage insurance coverage;
 - (c) A performance bond or other insurance guaranteeing or insuring performance of its obligations under the contract; and/or
 - (d) Other types of insurance, if approved by APSU.
- (12) Insurance policies must list APSU as additionally insured and be for \$1 million. See APSU website for a matrix for when additional insurance maybe required.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.07 Distribution of Leaflets, Literature, Pamphlets.

- (1) Distribution of leaflets, literature, pamphlets is not permitted within:
 - (a) Classroom, library or other academic buildings or facilities;
 - (b) Administrative and employee offices and work areas; or
 - (c) Student residence halls, dormitories or apartment buildings.
- (2) No obscene literature or material, as defined by law, shall be distributed on any University Property or Facility.
- (3) Placement of flyers, leaflets, literature, etc., is not permitted on motor vehicles parked on the Austin Peay State University campus.
- (4) University Property and Facilities may not be used for commercial or profit-making activities except when engaged in a business relationship, pursuant to a contract, with the University and/or when a rental/or lease agreement or facilities reservation is in place specifically for such temporary purpose.
- (5) The University will not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although it may maintain a policy that grants members of the University community the right to reserve certain outdoor spaces in advance.

- (6) Any literature which is distributed or sold and any advertisement shall comply with all applicable laws policies, regulations, and rules of APSU. Requests to distribute or sell literature shall be included with the underlying application to use University Facilities and/or Property through the online reservation system. Literature and/or advertisements may only be sold or distributed in conjunction with an approved application for use of Facilities.
- (7) The University has designated the University Center Post Office area and the outdoor campus bulletin boards as the posting locations for the Non-affiliated Individuals/Entities.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64

0240-05-03-.08 No-Trespass Notices.

- (1) A No-Trespass Notice ("Notice") is a written directive requiring a Non-affiliated Individual to leave and/or not enter all or part of University Property or Facilities.
- (2) A sworn law enforcement officer employed by the University may issue a Notice to a Non-affiliated Individual:
 - (a) who is not authorized to use University Property as defined in Section .03(1), and who has refused to leave University Property, or a specified part of University Property, within a reasonable time after the person has received an oral request to leave by a University official;
 - (b) who has engaged in a use of University Property that is prohibited by Section .03(2), and who has refused to cease the prohibited conduct within a reasonable time after receiving an oral request to do so from a University official;
 - (c) who, in the good faith judgment of the law enforcement officer issuing the Notice, poses an unreasonable threat to the health, safety, or welfare of a person(s) affiliated with the University while on University property; or
 - (d) who, in the good faith judgment of the law enforcement officer issuing the Notice, has engaged in conduct that substantially disrupts or interferes with University operations, events, or activities, or is likely to cause such a disruption or interference.
- (3) A Notice must specify: the reason for the Notice; the geographical scope of the restriction; the duration of the restriction, which may be for an indefinite period; the potential consequences of a violation of the Notice; and the process for appealing the issuance of the Notice. The scope and duration of the restriction imposed must be proportional to the underlying misconduct. In appropriate circumstances, with respect to conduct on University Property, a Notice also may prohibit a non-affiliated person from contacting or being within a certain distance from a person affiliated with the University.
- (4) Appeals.
 - (a) A Non-affiliated Individual to whom a Notice has been issued may appeal the decision to the chief of police for the University.
 - (b) A Non-affiliated Individual must submit the appeal in writing. The written appeal must be received by the Chief of Police within twenty (20) calendar days of the date on which the

Notice was provided to the Non-affiliated Individual. Any Notice mailed (or e-mailed) to a Non-affiliated Individual shall be deemed to have been provided on the date on which it was mailed (or e-mailed). The written appeal should include the Non-affiliated Individual's reason for being on University property, the Non-affiliated Individual's future need to be on University Property, and any other information the Non-affiliated Individual wishes the University official who issued the Notice to consider.

- (c) Upon receipt of a written appeal, the chief of police will consult as needed with other University officials to verify the Non-affiliated Individual's need for access to University property, to gather additional information or advice, or to review the impact that granting the appeal may have on persons affiliated with the University.
- (d) Within twenty (20) calendar days of the receipt of an appeal submitted in accordance with this Chapter, the Chief of Police will sustain, rescind or modify the Notice in a written decision that will be mailed to the address provided by the Non-affiliated Individual. The decision of the Chief of Police is final and not appealable within the University.
- (e) The restrictions set forth in the Notice will remain in effect while an appeal of the Notice is pending.
- (f) If the Chief of Police issued the Notice, then the Non-affiliated Individual may appeal to the supervisor of the Chief of Police.
- (5) The law enforcement officer who issued the Notice (or, if the Notice is appealed, the Chief of Police or the Chief of Police's Supervisor), with the approval of the Chief of Police or his/her supervisor, may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the Non-affiliated Individual to whom the Notice was issued.
- (6) Failure to comply with a Notice may result in issuance of a citation or an arrest for trespassing pursuant to applicable state criminal trespass statutes or local ordinances. Nothing in this section shall limit or be construed to limit the exercise of the statutory authority of sworn law enforcement officers of the University's police department to arrest in accordance with the laws of this state or local ordinances. Nor shall anything in this rule limit or be construed to limit the authority of sworn law enforcement officers of the University's police department to issue an oral request instructing a person to leave and/or not enter all or part of University Property.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

RULES
OF
AUSTIN PEAY STATE UNIVERSITY

CHAPTER 0240-05-05
CLASSIFYING STUDENTS IN-STATE AND OUT-OF-STATE

TABLE OF CONTENTS

<u>0240-05-05-.01</u>	<u>Intent</u>	<u>0240-05-05-.06</u>	<u>Evidence to Consider for</u>
<u>0240-05-05-.02</u>	<u>Definitions</u>		<u>Establishment of Domicile</u>
<u>0240-05-05-.03</u>	<u>Rules for Determination of Status</u>	<u>0240-05-05-.07</u>	<u>Appeal</u>
<u>0240-05-05-.04</u>	<u>Out-of-state Students Who Are Not</u>	<u>0240-05-05-.08</u>	<u>Effective Date for Reclassification</u>
	<u>Required to Pay Out-of-State Tuition</u>		
<u>0240-05-05-.05</u>	<u>Presumption</u>		

0240-05-05-.01 Intent. It is the intent that Austin Peay State University (APSU or University) shall apply uniform rules, as described in these regulations and not otherwise, in determining whether students shall be classified “in-state” or “out-of-state” for fees and tuition purposes and for admission purposes.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.02 Definitions. Wherever used in these regulations:

- (1) “Continuous Enrollment” or “Continuously Enrolled” shall mean enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said Public Higher Educational Institution or Institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the Public Higher Educational Institutions in which such person enrolls.
- (2) “Domicile” shall mean a person’s true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish or having established a new domicile elsewhere. Undocumented immigrants cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
- (3) “Emancipated Person” shall mean a person who has attained the age of eighteen (18) years and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and are no longer under any legal obligation to support or maintain such person.
- (4) “Parent” shall mean a person’s father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then “parent” shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such emancipated person.

- (5) “Public Higher Education Institution” shall mean a university or community college supported by appropriations made by the Legislature of this State.
- (6) “Residence” shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- (7) “ U.S. Armed Forces” shall mean the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.
- (8) “Veteran” means:
 - (a) a former member of the U.S. Armed Forces; or
 - (b) a former or current member of a reserve or Tennessee national guard unit who was called into active military service of the United States, as defined in Tennessee Code Annotated § 58-1-102.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-8-104.

0240-05-05-.03 Rules for Determination of Status.

- (1) Every person having his or her domicile in Tennessee shall be classified “in-state” for fee and tuition purposes and for admission purposes.
- (2) Every person not having his or her domicile in Tennessee shall be classified “out-of-state” for fee and tuition purposes and for admission purposes.
- (3) The domicile of an unemancipated person is that of his or her parent, except as provided in paragraph (4) of this Section .03. Unemancipated students of divorced parents shall be classified “in-state” when one (1) parent, regardless of custodial status, is domiciled in Tennessee, except as provided in paragraph (4) of this Section .03.
- (4) A student shall be classified as “in-state” for fee and tuition purposes if the student is a citizen of the United States, has resided in Tennessee for at least one (1) year immediately prior to admission, and has:
 - (a) Graduated from a Tennessee public secondary school;
 - (b) Graduated from a private secondary school that is located in Tennessee; or
 - (c) Earned a Tennessee high school equivalency diploma.
- (5) The spouse of a student classified as “in-state” shall also be classified “in-state.”
- (6) All classifications shall be subject to the Eligibility Verification for Entitlements Act, Tennessee Code Annotated § 4-58-101 et seq.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee 1807, Chapter 64; and Tenn. Code Ann. § 49-8-104.

0240-05-05-.04 Out-of-State Students Who Are Not Required to Pay Out-of-State Tuition.

- (1) An unemancipated, currently enrolled student in a higher educational institution shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in Tennessee, relocate out-of-state. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as his or her enrollment at a Public Higher Educational Institution or Institutions shall be continuous.
- (2) An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed at Fort Campbell pursuant to military orders shall be classified out-of-state, but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.
- (3) A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University.
- (4) A person, who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two-year institution, shall be classified out-of-state, but admitted at in-state tuition rate.
 - (a) The waiver of out-of-state tuition granted to a border county student at an admitting institution will follow the student only from a community college to the University if the student transfers from the community college after successfully completing an associate's degree unless this condition is waived by the community college as being in the student's best interest; provided, in any case the student must complete the general education requirement at the TBR community college.
- (5) Part-time students who are not domiciled in Tennessee but who are employed full-time in the state, or who are stationed at Fort Campbell pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.
- (6) Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- (7) Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition.
- (8) Active-duty military personnel who begin working on a college degree at a the University while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degrees, can continue to completion of the degrees at the University without being required to pay out-of-state tuition, as long as he/she completes at least one (1)

- course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- (9) Students who participate in a study abroad program, when the course/courses in the study abroad program is/are the only course/courses for which the student is registered during that term, shall not be required to pay out-of-state tuition.
 - (10) Students who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs, according to established guidelines, shall not be required to pay out-of-state tuition.
 - (11) A Veteran enrolled at the University shall not be required to pay out-of-state tuition or any out-of-state fee, if the Veteran:
 - (a) Has not been dishonorably discharged from a branch of the United States armed forces or the national guard;
 - (b) Is eligible for Post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - (c) Enrolls in the University, after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.
1. To continue to qualify for in-state tuition and fees, a Veteran shall:
- (i) Maintain continuous enrollment as defined by the University; and
 - (ii) Demonstrate objective evidence of established residency in Tennessee by presenting at least two (2) of the following:
 - (I) Proof of voter registration in the state;
 - (II) A Tennessee driver license;
 - (III) A Tennessee motor vehicle registration;
 - (IV) Proof of established employment in Tennessee; or
 - (V) Other documentation clearly evidencing domicile or residence in Tennessee, as determined by the Tennessee Higher Education Commission.

Authority: Tenn. Code Ann. §§ 49-4-704, 49-7-1304, 49-7-1305, 49-9-105, and 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; 20 U.S.C. § 1015d; and 38 U.S.C. § 3679.

0240-05-05 Presumption. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in Tennessee while enrolled as a full-time student at the University, as such status is defined by APSU.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.06 Evidence to Consider for Establishment of Domicile. If a person asserts that he or she has established domicile in Tennessee he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to APSU by which he/she seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. APSU will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.07 Appeal. Initially, the Office of Admissions clerk is responsible for classifying applicants for admission or readmission as either "in-state" or "out-of-state." A decision by the Office of Admission clerk may be appealed in writing to the residency classification officer in the Office of Admissions on an Application for Residency Classification form.

Students currently/continually enrolled may appeal in writing to the residency classification officer in the Office of the Registrar on an Application for Residency Classification form. An appeal of the decision made by either office may be taken to the Residency Appeals Committee. Appointments for students to appear before the committee and copies of written appeals for committee members will be made by the Office of the Registrar. Appeals from students who appear will be heard before the committee. Appeal applications made in abstentia will be considered by the committee after consideration of in-person appeal appointments. Unless additional guests are requested in advance and approved by the committee chair, only the student may appear before the committee. Students may bring additional material to support their appeal at the committee meeting. The committee shall include five (5) faculty representatives (including the chair), two staff representatives, two (2) student representatives, as well as up to three (3) ex-officio members currently made up of the Coordinator of Graduate Admissions, the Director of Admissions, and the Registrar. The committee chair will prepare a record of the student appeals including the name of the student, the date of the committee meeting, the committee members present, name(s) of any other guest(s) and a statement of the resulting decision of the committee. A copy of this record will be kept in the student's permanent file. The appealing student will be contacted by the Office of the Registrar and informed of the committee's recommendation. A decision by the Residency Appeals Committee may be appealed in writing to the associate provost for enrollment management and academic support. All appeals must be received within five (5) class days of receipt by the student of the committee's decision. The decision of the associate provost will be final.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.08 Effective Date for Reclassification. If a student classified out-of-state applies for in-state classification and subsequently is classified thusly, his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any term or semester during which reclassification is sought and obtained unless application for reclassification is made on or before the last day of registration prior to classes.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

Rules
of
Austin Peay State University

Chapter 0240-05-02
Student and Student Organization Conduct and Disciplinary Sanctions

<u>0240-05-02-.01</u>	<u>APSU Policy Statement</u>
<u>0240-05-02-.02</u>	<u>Disciplinary Offenses</u>
<u>0240-05-02-.03</u>	<u>Academic and Classroom Misconduct</u>
<u>0240-05-02-.04</u>	<u>Disciplinary Sanctions</u>
<u>0240-05-02-.05</u>	<u>Disciplinary Procedures</u>

0240-05-02-.01 APSU Policy Statement.

- (1) Austin Peay State University ("University" or "APSU") students are expected to conduct themselves as law-abiding members of the community at all times. Admission to APSU carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between APSU and the academic community which it seeks to serve, the APSU Board of Trustees (the Board) has authorized the President of APSU (the President) to take such action as may be necessary to maintain campus conditions and preserve the integrity of APSU and its educational environment.
- (2) Pursuant to this authority and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Board has developed the following regulations, intended to govern student conduct on the APSU campus. The University under the jurisdiction of the Board is directed to implement policies subject to, and consistent with, these rules. In addition, students are subject to all federal, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects APSU's pursuit of its educational objectives, APSU may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these rules may subject a student to disciplinary measures by APSU whether or not such conduct simultaneously violates state, local or national laws.
- (3) For the purpose of these rules, a "student" shall mean any person who is admitted and/or registered for study at APSU for any academic period. This shall include, but not be limited to any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from APSU. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies, rules, and regulations governing student conduct. Students are responsible for compliance with rules and policies including, but not limited to the Policies on Student Conduct and with similar APSU policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the policies, rules, and regulations which occur on APSU owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any APSU activity or the mission, processes, and functions of APSU. The University may enforce their own rules regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

- (5) These rules, and related material incorporated herein by reference, are applicable to registered student organizations as well as individual students. Registered student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA) and/or the Tennessee Open Records Act, a student's disciplinary files are considered educational records and are confidential within the meaning of those Acts.

Authority: T.C.A. §§ 4-5-101 et seq., 49-8-203, and § 10-7-501 et seq.

0240-05-02-.02 Disciplinary Offenses.

- (1) Generally, through appropriate due process procedures, APSU disciplinary measures may be imposed for conduct which adversely affects APSU's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of APSU's academic community or which endangers property or persons on APSU, or APSU-controlled property.
- (2) Individual students or registered student organizational misconduct which is subject to disciplinary sanction may include but not be limited to the following examples:
 - (a) Conduct dangerous to self or others. Any conduct, or attempted conduct, which poses a direct threat to the safety of others or where the student's behavior is materially and substantially disruptive of APSU's learning environment;
 - (b) Hazing. Violations of this section include any act of hazing on or off the University campus or APSU controlled property, by an APSU student, group of students or registered student organization. Hazing means any intentional or reckless act on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organizations;
 - (c) Discrimination or Discriminatory Harassment. Any student or group of students act against another individual or group in violation of these rules and University policies, as well as federal and/or state laws prohibiting discrimination and discriminatory harassment, including, but not limited to, APSU Policy 6:001 and 6:003, and 6:004;
 - (d) Disorderly Conduct. Any student or group of students whose behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs or may reasonably provoke other groups or individuals (this may include, but not be limited to verbal abuse, nonverbal gestures and inappropriate behavior resulting from the use of being under the influence of alcohol or drugs), etc.;

- (e) Obstruction of or Interference with APSU Activities or Facilities. Any intentional interference with or obstruction of any APSU program, event, or facility including, but not limited to the following:
1. Any unauthorized occupancy of APSU or APSU-controlled facilities or blockage of access to or from such facilities;
 2. Interference with the right of any APSU member or other authorized person to gain access to any APSU or APSU-controlled activity, program, event or facility;
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any University official in the performance of his or her duty;
 4. Any form of disruptive behavior in the classroom, during any campus event; or activity or at any location on campus or
- (f) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to APSU or property being used, rented, owned or leased by a student, group of students or officially registered student organization not owned by APSU;
- (g) Theft, Misappropriation, or Unauthorized Sale. Any act of theft, misappropriation, or unauthorized possession, use or sale of APSU property or any such act against a member or organization of the APSU community or a guest of APSU;
- (h) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of APSU documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status at APSU or; failure to carry the APSU ID card at all times or to show it upon proper request;
- (i) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind on APSU property or APSU controlled property. Firearms or dangerous weapons include, but are not limited to: rifles, handguns, replica/toy guns, BB guns, pellet guns, stun guns, non-culinary knives with a blade greater than four (4) inches, martial arts equipment, paint ball guns, water guns, bows and arrows, etc., or other objects with the intent to cause bodily harm, including mace and/or pepper spray;
- (j) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or APSU controlled property or possession of any substance which could be considered to be and used as fireworks;
- (k) Alcoholic beverages. The use and/or possession of alcoholic beverages and/or public intoxication on APSU-owned or controlled property, violation(s) of any local ordinance or state or federal law concerning alcoholic beverages, on or off campus, or a violation of the terms of the APSU Drug-Free Policy Statement. It shall not be a violation for students twenty-one (21) years of age or older to consume alcohol within areas designated by the President where alcohol is permitted to be served.

In addition, officially registered student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and federal laws concerning alcoholic beverages and must follow APSU's Risk Management Guidelines for Student Organizations;

- (l) Drugs. The unlawful possession or use of any drug, controlled substance or drug paraphernalia (including, but not limited to, any prescription drug, stimulant, depressant, narcotic or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance, or a violation of any terms of the APSU Drug-Free Policy Statement;
- (m) Gambling. Participation in any gambling or gambling-related activities on campus or on APSU controlled property or property being used, rented or leased by a student, group of students or registered student organization not owned by APSU that have not been approved and/or administered in accordance with the laws and regulations of the State of Tennessee. Any permitted gambling or gambling-related activity, e.g. raffles, must also be operated under the auspices of the APSU's Foundation;
- (n) Financial Irresponsibility. Failure to promptly meet financial responsibilities to APSU including, but not limited to, knowingly passing a worthless check or money order in payment to APSU or to a member of the APSU community acting in an official capacity;
- (o) Unacceptable Conduct in hearings. Any conduct at an APSU hearing involving contemptuous, disorderly behavior, or the giving of false testimony or other evidence at any hearing;
- (p) Failure to Cooperate with University Officials. Failure to comply with directions of APSU officials acting in the performance of their duties;
- (q) Violation of general rules and regulations. Any violation of the general rules and regulations of the University as published in an official APSU publication, whether in print or digital, including but not limited to, the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (r) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the offenses listed in this document, or the aiding and abetting of the commission of any of the offenses (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
- (s) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (t) Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an APSU official or a constituted body including, but not limited to, sanctions contained herein;
- (u) Violations of APSU Residence Hall or Apartment policies or regulations. The violation of any policies or regulations which appear in printed materials, whether in

print or digital, distributed to resident students (i.e., housing license agreements, handbooks for resident students, etc.);

- (v) Sexual Battery/Rape. Any act of sexual battery or rape as defined by state law;
- (w) Sexual Misconduct. An offense including acts of sexual assault, domestic violence, dating violence and/or stalking as defined in APSU Policy 6:001. The handling procedures concerning allegations of sexual misconduct are set forth in APSU Policy 6:001;
- (x) Tobacco. Smoking, inclusive of electronic smoking devices and vapors, in all APSU buildings, grounds and state-owned vehicles is prohibited (except in otherwise designated areas as provided in APSU policy 9:022). Regardless of whether classes are in session, smoking is prohibited in APSU all buildings, grounds and state-owned vehicles twenty-four (24) hours a day, year round. Students who want to use smoke-free tobacco products may do so thirty (30) feet from each building exit and entrance. Smoke-free tobacco product use is prohibited in APSU buildings and state-owned vehicles.
- (y) Pets. With the exception of service animals, emotional support animals, and animals used for academic research purposes, animals are prohibited on APSU campus except in designated housing areas. Students are required to provide the Office of Disability Services with medical documentation in requesting an accommodation for an emotional support animal.
- (z) Filing a false complaint or statement. Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student or organization or APSU employee.
- (aa) Academic Misconduct includes, but is not limited to plagiarism, cheating, facilitation, fabrication or collusion. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution.
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours.
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
 - 4. Facilitation or Collusion. Assisting or attempting to assist another to violate a provision of APSU's student code of conduct regarding academic misconduct.
- (bb) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an APSU facility without proper authorization.
- (cc) Litter. Dispersing litter in any form onto the grounds or facilities of the APSU campus;

- (dd) Abuse of Computer Resources and Facilities. Misusing and/or abusing computer resources including, but not limited to the following:
1. Distribution or use of a student and/or another person's identification to gain access to APSU computer resources;
 2. Use of APSU computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
 4. Unauthorized transfer of a computer or network file;
 5. Use of computing resources and facilities to send abusive or obscene correspondence;
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the APSU computing system;
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or APSU official;
 8. Violation of any published information technology resources policy; or
 9. Unauthorized peer-to-peer file sharing.
- (ee) Unauthorized Access to APSU Facilities and/or Grounds. Any unauthorized access and/or occupancy of APSU facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (ff) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (gg) Uncontrolled or Unsafe Rollerblading/Skateboarding/Other Coasting Device. Individuals are prohibited from using Rollerblades/skateboards/coasting devices in an unsafe and/or reckless manner on APSU campus. must comply with APSU Policy 4:012.
- (3) Disciplinary action may be taken against a student or registered student organization for violations of the foregoing rules which occur on APSU owned, leased or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with, or obstructs any APSU activity or the missions, processes and functions of APSU. In addition, disciplinary action may be taken on the basis of any conduct, on or off campus

which violates local, state or federal laws, which violate APSU policies for student organizations, or which poses a substantial threat to persons or property within the APSU community. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at APSU, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from APSU with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate APSU office until the proceedings have been concluded.

Authority: T.C.A. §§ 4-5-101 et seq., 49-7-123(a)(1), 49-8-203, and 10-7-501.

0240-05-02-.03 Academic and Classroom Misconduct.

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of APSU. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures established by the Division of Student Affairs.
- (2) Academic dishonesty may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. Penalties for academic misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" in the course, reprimand, probation, suspension and expulsion. The student will be advised of his/her rights. The student may accept the instructor's finding, grade reduction, and/or other sanction and waive his/her hearing right. In the event a student believes he/she has been erroneously accused of academic misconduct, he/she may request a hearing. Hearings will be conducted pursuant to the procedures set forth at Rule 0240-05-02-.05, Disciplinary Procedures, below. If the student is found responsible for the allegation(s) of academic misconduct, the grade as assigned by the instructor will stand. Should the hearing source absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based upon the hearing source's finding. When necessary, grade changes will be made administratively.
- (3) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary action, through appropriate APSU academic grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (4) Disruptive behavior in the classroom may be defined, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, the presence of non-enrolled visitors in the classroom (including but not limited to minors).), the continued use of any electronic or other noise or light emitting device which disturbs or interrupts the concentration of others

(e.g., disturbing noises from beepers, text messaging, cell phones, palm pilots, laptop computers, games, etc.).

- (5) Class attendance and punctuality requirements are established by the faculty through the syllabus, whether print or digital, for each course. Students are expected to attend class regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which student(s) are unable to make immediate contact with faculty, the student may contact the Central Student Affairs office for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for possible completion of coursework requirements, if feasible.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-05-02-.04 Disciplinary Sanctions.

- (1) APSU shall adopt and publish guidelines, providing notice of potential disciplinary sanctions consistent with these rules applicable to both individuals and organizations. The guidelines may include any appropriate sanction subject to prior review by the APSU Office of Legal Affairs and approval by the Board of Trustees. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these rules, disciplinary policies, general policies, and/or guidelines disciplinary sanctions may be imposed, either singly or in combination, by the appropriate school officials. (Note: Final results of disciplinary proceedings for violations that include violent acts or non-forcible sex offenses, as defined by Tennessee law, may be released without permission of the student perpetrator.)
- (2) Definition of Sanctions. The following provides a non-exhaustive list of possible sanctions with corresponding definitions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to monetarily compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such monetary payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate APSU official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these rules and provides notice that any further violation(s) may result in more serious penalties;
 - (d) Restriction. A restriction upon a student's or registered student organization's privileges for a period of time may be imposed. This restriction may include, but is not limited to, the following: denial of the right to represent APSU in any way, denial of the use of APSU facilities and/or parking privileges, restriction of participation in

extracurricular activities, restriction of organizational privileges including registration, and restriction of the transfer of academic credit from another institution;

- (e) University Probation. Continued enrollment of a student or student organization on probation may be conditioned upon adherence to these rules. Any student or registered student organization placed on probation will be notified of such in writing, either in hard copy or electronic, and will also be notified of the terms and length of probation. Probation may include restrictions upon the extracurricular activities of a student or registered student organization. Any conduct in violation of these rules while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of a more serious disciplinary sanction;
- (f) Suspension. If a student or student organization is suspended, he/she or the organization is separated from APSU for a stated period of time with conditions for readmission stated in the notice of suspension;
- (g) Expulsion. Expulsion entails a permanent separation from APSU. The imposition of this sanction is a permanent bar to the student's readmission, or a registered student organization's recognition by APSU. A student or registered student organization that has been expelled may not enter APSU property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
- (h) Interim or Summary Suspension. As a general rule, the status of a student or student organization accused of violations of these rules should not be altered until a final determination has been made in regard to the charges. Interim or Summary suspension may be imposed upon a finding by the appropriate APSU official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused or of any other member of the APSU community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
- (i) Housing Probation. A student or registered student organization placed on housing probation is deemed not to be in good standing with the housing community, and his/her continued residence is conditioned upon adherence to these rules and the Housing Contract. Any student or registered student organization placed on probation shall be notified in writing or via email of the terms and length of the probation. Probation may include restrictions upon the activities of the housing resident, including any other appropriate special condition(s). Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from housing;
- (j) Housing Suspension and Forfeiture. A student or registered student organization suspended from housing may not reside in, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended student or registered student organization shall be required to forfeit housing fees (including any unused portion thereof and the Housing deposit). A suspended student or registered student organization must vacate the housing unit within forty-eight (48) hours. Housing suspension shall remain a part of the student's disciplinary record;

- (k) Service to the University. A student or registered student organization may be required to donate a specified number of service hours to APSU, by way of performing reasonable tasks for the appropriate APSU office or official. This service shall be commensurate to the offense the student or registered student organization is guilty of violating (i.e., service to maintenance staff for defacing APSU property);
- (l) Special Educational Program. A student or student organization may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs or to prepare a project or report concerning a relevant topic;
- (m) Smoking and Clean Air Policy Violation. There will be graduated fines imposed for violation of the Smoking and Clean Air policy:
 - 1. First Offense- \$25.00
 - 2. Second Offense- \$50.00
 - 3. Third Offense or more- \$100.00 and for additional Disciplinary Charges;
- (n) Interim or Summary Suspension from Campus Housing. Though as a general rule, the status of a student or student organization accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him or her, interim suspension from campus housing may be imposed upon a finding by the appropriate APSU official that the continued presence of the accused in APSU housing constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the APSU community or its guests, or the destruction of property. A final determination of the charges against any student or student organization summarily suspended from campus housing shall be made through appropriate hearing procedures within seven (7) class days of such housing suspension during which time the accused shall forfeit the right to reside in or visit campus housing facilities. The accused student shall be permitted to attend classes during this interim period.
- (o) Referral for Intervention, Assessment and/or Counseling. The student is mandated to visit the appropriate APSU official for an initial intervention and assessment which may be followed by required participation and a prescribed plan of action or treatment plan. Parents or legal guardians may be notified;
- (p) Fines. Penalties in the form of fines may be enforced against a student or an organization whenever the appropriate hearing officer(s) or hearing body deems necessary. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines to the Business Office within two (2) weeks of the decision will result in further disciplinary action;
- (q) Letter of Apology. A student or student organization may be required to write a letter of apology to APSU or its guests, another student or student organization, faculty or staff member, or any other constituent affected by the behavior for which the student or student organization has been found responsible. The letter shall be written and sent within seven (7) class days of notification of sanction and copies to the appropriate hearing body or official;

- (r) Revocation of Admission, Degree, or Credential; and,
- (s) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-05-02-.05 Disciplinary Procedures.

(1) Hearing Procedures:

- (a) Procedures conforming to the Uniform Administrative Procedures Act (UAPA). All cases which may result in (i) suspension or expulsion of a student or student organization from APSU for disciplinary reasons, or (ii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the UAPA § T.C.A. 4-5-301 et seq. and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Trustees, unless the student or student organization waives those procedures in writing and elects to have his or her case heard by either the University Hearing Board or an Administrative Hearing.
- (b) Cases which are not subject to the contested case procedures under the Uniform Administrative Procedures Act and cases in which a student or student organization has waived the contested case procedures in writing shall be processed in accordance with APSU Hearing Procedures. APSU has established two (2) alternate APSU Hearing Procedures:
 - 1. A hearing conducted by one (1) or more Student Affairs Administrators; or
 - 2. A hearing conducted by the University Hearing Board. (Note: This option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all disciplinary hearings will be conducted by appropriate Student Affairs Administrators, except those subject to UAPA procedures as selected by the accused student or student organization.)
- (c) Cases which are not subject to the contested case procedures under the Uniform Administrative Procedures Act and which involve very minor first offenses by students or student organizations may be discussed informally with students or student organizations. In such cases, no formal record will be maintained in the judicial records of APSU. The Dean of Students or other designee, appointed by the Vice President for Student Affairs, shall note the name of the student or student organization involved in his/her personal records. The purpose of this notation is only to determine a student's or student organization's prior involvement in a minor offense, when and if a second offense occurs at a later date. If the student or student organization is subsequently involved in another violation of regulations, at the discretion of the hearing body, this Informal Record will become a part of the student's or student organization's Formal Disciplinary Records.
- (d) Alternative resolution methods may include, but are not limited to, mediation, diversion programs and/or negotiated resolutions.
- (e) Jurisdiction of Cases to be heard by Student Affairs Administrators:

1. All formal cases involving incidents which occur in APSU residence halls and/or apartments and which involve on-campus residents shall be heard by the Residence Life staff or designee.
 2. All other formal cases shall be heard by the Dean of Students for Student Affairs, or appropriate designee, except in cases where such staff member is unavailable or has a bias toward either party in the pending case. In such cases the Senior Student Affairs Officer shall assign one (1) or more Student Affairs Administrators to hear the case.
- (2) Commencement of Disciplinary Proceedings.
- (a) A student or registered student organization accused of violating APSU disciplinary policies, rules, or regulations shall be called before the Dean of Students or designee, appointed by the Vice President for Student Affairs, for a preliminary conference at which the student or registered student organization will be orally advised of the following:
 1. The charges against him/her/or organization;
 2. The rights afforded to him/her/or organization by the hearing procedures which are available;
 3. The hearing procedure options available; and
 4. The responsibilities of the accused student or registered student organization in the disciplinary procedures.
 - (b) A student or registered student organization may waive the right to a preliminary conference and an oral explanation of the items listed in (2) (a) above.
 - (c) Once advised of the hearing options, the accused student or registered student organization may elect to accept the finding and sanction from the Dean of Students or designee, or elect a hearing pursuant to UAPA (where appropriate), or a hearing before the University Hearing Board.
 - (d) The election must be made within three (3) class days of receipt of notice of pending charges against him/her or organization by completing, and signing, an Election of Procedure form and/or waiver form. Once the election is made, the decision is final and may not be changed during the course of the hearing.
 - (e) Procedural guidelines for all matters involving allegations of impermissible discrimination, harassment, or retaliation are set forth in an APSU policy that reflects the requirements of that guideline.
 - (f) Procedural guidelines regarding all matters involving allegations of sexual misconduct and/or stalking are set forth in the procedures outlined in APSU policy 6:001: Sexual Violence and Stalking.
- (3) APSU Hearing Rights. These rights shall be afforded the accused student/organization in all APSU Hearings before the appropriate Student Affairs administrator or the University Hearing Board.

- (a) The right to choose the appropriate hearing option. (This right must be exercised within three (3) class days of the presentation of charges. Note: This option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all discipline hearings will be conducted by appropriate Student Affairs administrators, except those subject to UAPA procedures.)
- (b) The right to written notice, by United States mail, courier service, hand delivery to the permanent or local address on file for the student, or APSU email, of the time, place, and date of the hearing at least three (3) days in advance of the hearing. A justified delay may be granted. (This right may be waived in writing by the accused student/organization.) When notice is sent by United States Mail.
- (c) The right to a written statement of the charges in time and detail sufficient to enable the student/organization to prepare a defense.
- (d) The right to be accompanied by an advisor of the student's/organization's choice, but such advisor participation shall be limited to advising the student/organization.
- (e) The right to a statement of the possible sanctions that may be imposed as a result of a finding of a violation of the Student Code, at least three (3) days in advance of the hearing.
- (f) The right to present witnesses in the student's/registered student organization's behalf and to question any witnesses presented against the student. The student/organization is responsible for the attendance of any witnesses to be present in the student's /organization's behalf.
- (g) The right to be informed in writing, delivered either by United States mail, courier service, hand delivery to the permanent or local address on file for the student, or via email, of:
 - 1. The final administrative decision in the case.
 - 2. The proper procedure for appeal.
- (h) The right to be provided copies, upon request and in accordance with APSU policies, rules, and guidelines, of all complaints, reports, witness statements and other written materials used in determining the charges.
- (i) In cases involving sexual misconduct, the right to the name of each witness APSU expects to present at the student disciplinary proceeding and those APSU may present if the need arises.
- (j) In cases involving sexual misconduct, the right to request a copy of the institution's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974.
- (k) In cases involving sexual misconduct, the student's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses, unless the use would solely be for impeachment.

(4) Rights of Complainant and/or Victim.

The APSU member (student, faculty or staff) who authors “complaints” or “statements” as a victim in the alleged violation shall have the following rights:

- (a) To be notified of his/her rights prior to making a statement.
- (b) To be informed that any written statement made or signed will be shared with the accused student/organization and that the accused student/organization may request a copy of the statement.
- (c) To attend the hearing.
- (d) To have an advisor present during the hearing.
- (e) To be given the opportunity to question all witnesses and the accused during the hearing.
- (f) To be provided a copy of any statement he/she has written or dictated to others.
- (g) To be able to submit a list of witnesses to be called to the hearing.
- (h) To be permitted to drop the charges only up to the date of the hearing.
- (i) To be notified of the outcome of the hearing, including the finding concerning responsibility and any sanctions taken.
- (j) In cases involving sexual misconduct, the right to the name of each witness APSU expects to present at the student disciplinary proceeding and those APSU may present if the need arises.
- (k) In cases involving sexual misconduct, the right to request a copy of the APSU’s investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974.
- (l) In cases involving sexual misconduct, the student/organization’s right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that APSU has in its possession, custody, or control and may use to support claims or defenses, unless the use would solely be for impeachment.

(5) APSU Hearing Procedures.

- (a) Hearings before a Student Affairs Administrator. The appropriate Student Affairs Administrator shall act as hearing officer in the hearing, shall determine student’s/organization’s innocence or guilt and shall apply sanctions as appropriate.
- (b) Hearings before the University Hearing Board (“Hearing Board”). Procedures for the Board include the following:
 - 1. The Hearing Board shall be composed of nine (9) persons: five (5) students, two (2) automatically selected from the Student Tribunal Justices of the Student Government Association, and three (3) selected at large from the

student body who meet the same qualifications and are selected via the same procedures as those for Student Tribunal Justices as listed in the APSU SGA Constitution), two (2) faculty and two (2) administrators, all appointed by the President, for a term of one (1) academic year. Additionally, student, faculty and administrator alternate members shall be selected to serve in the absence of regular members and shall be appointed by the President for a term of one (1) academic year.

2. The Chair of the Hearing Board shall be appointed by the President.
3. A minimum of five (5) members of the Hearing Board are required to hear a disciplinary case, composed of at least two (2) students, one (1) faculty member, and one (1) administrator.
4. The Dean of Students shall train and advise all regular and alternate members of this Hearing Board in appropriate disciplinary procedures.
5. The hearing shall be conducted consistent with the rights described above in paragraphs (3) and (4) of this rule.
6. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
7. Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
8. The standard of proof required to overturn a finding of violation of the Student Discipline Policy made by the Dean of Students, or designee, shall be the preponderance of the evidence and the charged student bears the burden of proof.
9. The hearing source shall issue a written decision within three (3) class days after the conclusion of the hearing.
10. The student will be advised in writing via ASPU email (and USPS mail if requested by the student) of the Hearing Board or Student Affairs Administrator decision and all sanctions imposed as a result of the disciplinary hearing.
11. Any sanction imposed as a result of a hearing conducted under the Code of Conduct shall be effective immediately upon written notification of the student/organization unless the hearing authority deems a stay of such sanction desirable pending appeal.
12. In any case where the decision results in separation from APSU, the decision shall be reviewed by the Senior Student Affairs Officer prior to notifying the Office of the Registrar and the Academic Department in which the student has been enrolled.

(6) Appeals.

- (a) The student may appeal a decision of the University Hearing Board or the Student Affairs Administrator to the Senior Student Affairs Officer, or designee.

- (b) An appeal in writing setting forth grounds for the appeal and addressed to the appropriate appellate authority must be received in the Office of the Senior Student Affairs Officer within three (3) class days after the student/organization is notified of the sanction imposed at any hearing or appellate level.
 - (c) Appeals shall be limited to the following grounds on the following issues:
 - 1. Were procedures properly followed in the hearing?
 - 2. Was the evidence presented at the hearing determined by “preponderance”?
 - 3. Was the sanction imposed proportional to the violation?
 - 4. New information, not available at the time of the original hearing, has become available which would substantially alter the outcome of the hearing.
 - (d) Review shall be based solely on a consideration of the record generated through the hearing together with the written appeal document and relevant attachments filed by the student.
 - (e) Appellate Authority. The Senior Student Affairs Officer, or designee, shall have the authority to do any of the following upon review of an appeal:
 - 1. Sustain the previous decision including the penalty imposed;
 - 2. Sustain the previous decision but impose a greater or lesser penalty;
 - 3. Remand the case for further consideration; or
 - 4. Reverse the previous decision.
 - (f) The Senior Student Affairs Officer shall issue a written decision within ten (10) class days after the appeal is filed by the student.
 - (g) The decision of the Senior Student Affairs Officer is final.
- (7) Student Organization Disciplinary Procedures.

Sanctions against Student Organizations. Any registered student organization may be given a warning, reprimand, placed on probation, suspension, or restriction or may have its registration withdrawn by the Dean of Students, or by a Student Affairs Administrator appointed by the Senior Student Affairs Officer. Such actions may be taken after having a hearing conducted in accordance with the procedures outlined in these rules for disciplinary procedures. In the case of Withdrawal of Registration of an organization, the procedures to be used will be the contested case provisions of the UAPA, unless those provisions have been waived in writing by an authorized representative of the student organization. Such action may be taken for any one of the following reasons:

- (a) The organization fails to maintain compliance with the initial requirements for registration.
- (b) The organization ceases to operate as an active organization.

- (c) The organization requests withdrawal.
- (d) The organization operated or engaged in any activity in violation of the policies, rules, and regulations of APSU, of any governing body of federal or state laws.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.



BOARD OF TRUSTEES



**Austin Peay State University
Summary of State Building Commissions Actions
September 1, 2019 through November 1, 2019**

<u>Date</u>	<u>SBC/Transaction Number</u>	<u>Project</u>	<u>Value</u>	<u>SBC Action</u>
9/12/2019	373/003-14-2018	Library Meeting Room Renovation	\$43,318.26	SBC approved change order

Summary of Executive Sub-Committee Actions

9/23/2019	19-06-002	415-419 North 2nd Street Property	\$136,000.00	Approval of an acquisition in fee with waiver of advertisement and one appraisal
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