



AGENDA

Austin Peay State University

317 College Street

Clarksville, TN 37040

Sept. 14, 2018

9 a.m.

Call to Order

Roll Call/Declaration of Quorum

Adoption of Agenda

Approval of Minutes

Special Presentation by Mike Krause, Executive Director, Tennessee Higher Education Commission

Campus Spotlight

Action Items

- A. Academic Policies and Programs/Student Life Committee Report and Recommendations
 - i. Adoption of Minutes
 - ii. Approval of Change of Degree Designation – Master of Professional Studies (MPS) and Bachelor of Professional Studies (BPS)
 - iii. Approval of Student Code of Conduct Rules
- B. Audit Committee Report and Recommendations
 - i. Adoption of Minutes
- C. Business and Finance Committee Report and Recommendations
 - i. Adoption of Minutes
 - ii. Consideration of Out-of-State Tuition Rate
 - iii. Consideration of Improvements to the Charles C. Hand Baseball Facilities
 - iv. Consideration of Improvements for the Military Family Resource Center
- D. Executive Committee
 - i. Adoption of Minutes

E. Other Business

- i. Meeting Calendar for 2019
- ii. Consideration of Contract for President Emeritus
- iii. OVC Governing Board Certification
- iv. Approval of Tennessee Open Records Rule

Information Items

- A. President's Report
- B. President's Interim Items

Adjourn

Agenda Item: A.ii.

Date: September 14, 2018

Subject: Change of degree designation – MPS and BPS

Action Recommended: Approval by voice vote

Background Information:

The Department of Leadership and Organizational Administration seeks to change the degree designation of both the undergraduate and graduate degrees to reflect the enhanced focus of the degrees, as shown below:

- The graduate degree designation would change from the Master of Professional Studies (MPS) to the Master of Science in Leadership (MSL).
- The undergraduate degree designation would change from the Bachelor of Professional Studies (BPS) to the Bachelor of Science (BS).

Proposed Implementation Date: Fall 2019 (This proposal also requires THEC staff approval)

Item Details:

Master of Professional Studies (MPS) to Master of Science in Leadership (MSL)

Austin Peay's Master of Professional Studies degree (MPS) originated as part of the TN eCampus collaborative. While other participating institutions within TN eCampus still offer an MPS degree, APSU offers its own MPS degree independently from the TN eCampus collaborative. Austin Peay's program has experienced strong growth over the last two years. During that time, the Department of Leadership and Organizational Administration has worked to differentiate its MPS degree from that offered through the TN eCampus collaborative, as noted below:

- The Austin Peay MPS focuses on leadership, specifically with its strategic leadership concentration.
- The Austin Peay MPS has restructured its degree to (1) provide a streamlined, easier-to-navigate program of study for students, (2) appeal more strongly to students interested in leadership-related content and (3) integrate graduate

courses from Austin Peay's former leadership science program, including Leadership and Power, Organizational Innovation and Social Influence Processes. In a related action, the Austin Peay MPS now totals 30 hours as compared to the 33-hour program offered via the TN eCampus collaborative.

- The Austin Peay MPS is now structured so the Department of Leadership and Organizational Administration can develop a series of graduate certificate programs to feed into the MPS. Students in relevant APSU graduate certificate programs can apply certificate coursework toward the APSU MPS if they wish to complete a master's degree.

Due to the differences in requirements for the MPS, APSU proposes to change the MPS to MSL.

Bachelor of Professional Studies (BPS) to Bachelor of Science (BS)

Austin Peay's Bachelor of Professional Studies (BPS) degree began more than 15 years ago in part as a means of providing transfer students with a program that would facilitate obtaining a degree. Indeed, the former name of the APSU academic department was "Professional Studies." The undergraduate mission of the department, now called Leadership and Organizational Administration, continues serve transfer students such as active-duty military personnel. As with the master's degree designation change, the department seeks to more accurately reflect and convey the updated focus of today's degree. The name of the major itself has already changed from "Professional Studies" to "Leadership and Organizational Administration."

Changing the degree designation from the Bachelor of Professional Studies (BPS) to the Bachelor of Science (BS) will benefit the program, as noted below:

- **Align the APSU degree program with others in the social sciences.** In 2016, the department became part of the College of Behavioral and Health Sciences. The degree designations for other programs in the college, such as political science, psychology and sociology, are Bachelor of Science.
- **Remove confusion over the meaning of professional studies.** The term "professional studies" has caused confusion for students over the years. For example, students often mistake the professional studies program as one designed for areas such as pre-dentistry or pre-law. Moving to a B.S. degree designation would reduce confusion.
- **Reflect changes to curriculum.** As with the graduate degree program, the department has worked over the last two years to update program content. In particular, the department has (1) provided more flexibility to students as they progress through the degree and (2) integrated leadership-related content from the former leadership science program.

Agenda Item: A.iii.

Date: September 14, 2018

Subject: Student conduct and disciplinary sanctions rule

Action Recommended: Approval by roll call vote

Background Information:

State entities are required to promulgate rules and regulations when the subject of those rules and regulations affects the rights of third parties. The Tennessee General Assembly recently passed Public Chapter 0980, which put additional requirements on due process for students accused of sexual misconduct. The attached rule includes changes in response to the recent legislation.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.

**Rules
of
Austin Peay State University**

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

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

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 of Trustees has developed the following regulations, intended to govern student conduct on the APSU campus. The University under the jurisdiction of the Board of Trustees 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 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 student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (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 or 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 Austin Peay State University campus or APSU controlled property, by an Austin Peay State University individual, group of individuals 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 individual or group act against another individual or group in violation of Board of Trustee policies, as well as federal and/or state laws prohibiting discrimination and discriminatory harassment, including, but not limited to, APSU Policy 5:003;
 - (d) Disorderly Conduct. Any individual or group 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
 5. Activity or at any location on campus;
- (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 Austin Peay State University 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 officially 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, 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 a 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 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. All matters involving allegations of sexual misconduct will be governed by the procedures 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 99:022). Regardless of whether classes are in session, smoking is prohibited in 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 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. Plagiarism, cheating, 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 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,
 - 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) Rollerblading/Skateboarding. Rollerblading/skateboarding and other coasting devices must comply with APSU Policy 4:013.
- (3) Disciplinary action may be taken against a student 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 [see APSU Policy No. 3:032, Minors on Campus Policy], etc.), 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 printed syllabus 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) Austin Peay State University (APSU) shall adopt and publish a policy, providing notice of potential disciplinary sanctions applicable to both individuals and organizations. The policy 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, or the general policies, 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 compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement 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 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 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 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 student organization's recognition to APSU. A student or 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 resident or 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 resident placed on probation shall be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the 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 resident or 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 resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing deposit). A suspended resident 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 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 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 Austin Peay State University 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 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. 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 Uniform Administrative Procedures Act (UAPA) T.C.A. 4-5-301 et seq. and shall be processed in accordance with the uniform contested case procedures 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 student organization accused of violating APSU disciplinary policies 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 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 organization in the disciplinary procedures.
- (b) A student or 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 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, and 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) All matters involving allegations of impermissible discrimination, harassment, or retaliation will be governed by the procedures outlined in an APSU policy that reflects the requirements of that Guideline.
- (f) All matters involving allegations of sexual misconduct and/or stalking will be governed by 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, by hard copy or email, of the time, ~~and 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 Code, at least three (3) days in advance of the hearing.
- (f) The right to present witnesses in the student's/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 in-person ~~or 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 Policy, 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 the institution expects to present at the student disciplinary proceeding and those the institution 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 the institution expects to present at the student disciplinary proceeding and those the institution may present if the need arises.
- (k) 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.
- (l) 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.

(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 students/organization's innocence or guilt and shall apply sanctions as appropriate.
- (b) Hearings before the University Hearing Board. Procedures for the Board include the following:
 1. The University 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 Board shall be appointed by the President.
3. A minimum of five (5) members of the 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 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 University 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 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 Tennessee Uniform Administrative Procedures Act, 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.

Agenda Item: C.ii.

Date: September 14, 2018

Subject: Consideration of Proposed new out-of-state tuition rate

Action Recommended: Approval by voice vote

Background Information:

Nationally, public higher education institutions are adopting pricing strategies as a critical part of their student recruitment strategies to compete with private, for-profit institutions as well as public institutions. With the new out-of-state tuition rate, APSU will have an out-of-state tuition rate that is more affordable for and marketable to prospective students.

Proposed Implementation Date: Fall 2019

Item Details:

Under APSU's new out-of-state tuition program the following provisions apply:

- **Eligibility:** The rate is offered to all non-Tennessee residents
- **Tuition Rate:** The amount charged to a non-Tennessee resident student is equal to the in-state tuition plus an additional out-of-state rate to cover APSU's state appropriation subsidy. The out-of-state rate is capped at 12 hours for undergraduate students and 10 hours for graduate students.
- **Impact on other Plans:** The new out-of-state tuition rate does not impact students who otherwise qualify for border county classification or other in-state residency classification.

The implementation of new out-of-state tuition rate will require approximately sixty five (65) new out-of-state students in order to offset the reduction in historic revenues.

Agenda Item: C.iii.

Date: September 14, 2018

Subject: Consideration of Improvements to the Charles C. Hand Baseball Facilities

Action Recommended: Approval by voice vote.

Background Information:

The APSU baseball team is currently housed in the east end of a warehouse adjacent to the baseball field, in a space approximately 1,700 square feet. Recently, there have been no significant improvements to the facility. Additionally, the space is too small and doesn't provide the necessary amenities.

Proposed Implementation Date: Fiscal Year 2019 – 2020

Item Details:

To meet the demands of the baseball team, Athletics is requesting approval of a \$1,300,000 capital project to expand and renovate the baseball offices, locker room, and support spaces.



Agenda Item: C.iv.

Date: September 14, 2018

Subject: Consideration of Improvements for the Military Family Resource Center

Action Recommended: Approval by voice vote.

Background Information:

The Military Family Resource Center will provide seamless support to students completing a variety of activities, such as applying for admission, accessing financial aid, selecting a program of study, registering for courses, progressing toward graduation, and securing employment after graduation.

About one in four APSU students is military-related, with more than 2,500 in attendance in each of the last three years. Assistance from staff with specialized knowledge and close attention to detail will help students stay on track with degree planning, maximizing their use of educational benefits and successfully transitioning from the military. The center will house existing academic and support programs and may include: Veterans Upward Bound (VUB), VetSuccess on Campus (VSOC), and the Military Student Center (MSC).

Proposed Implementation Date: Fiscal Year 2019 – 2020

Item Details:

Renovations will be made to the former Lincoln Mercury building and will cost \$1.5 million.

Agenda Item: E.i.

Date: September 14, 2018

Subject: Adoption of calendar for Board of Trustees meetings

Action Recommended: Approval by voice vote

Background Information:

The Focus on College and University Success Act (FOCUS Act) requires the Austin Peay State University Board of Trustees to meet a minimum of four times per year. The following calendar is proposed for the 2019 year. Committees of the board will meet electronically or telephonically as necessary between board meetings and the day before scheduled board meetings as necessary.

Item Details:

Proposed 2019 meeting dates are as follows:

- Spring: March 14 and 15
- Summer: June 6 and 7
- Fall: Sept. 19 and 20
- Winter: Nov. 21 and 22

Agenda Item: E.ii.

Date: September 14, 1028

Subject: Consideration of contract for president emeritus

Action Recommended: President White recommends approval of Dr. Hoppe's contract for the 2018-2019 year by voice vote.

Background Information:

Dr. Sherry Hoppe served as interim president of APSU from 2000 to 2001 and president from 2001 to 2007. Upon her retirement as president, Dr. Hoppe was appointed president emeritus, a contractual position that required her to provide advice and counsel to the sitting president, assist with fundraising and alumni relations and other duties as requested. The contract is renewable annually following review of the emeritus work that was previously approved by the Tennessee Board of Regents.

Dr. Hoppe's current contract expired on June 30, 2018. The board is asked to approve the contract with the same terms and conditions as set forth in the 2017-2018 contract.

Proposed Implementation Date: July 1, 2018

Item Details: See attachment.

**BOARD OF TRUSTEES
OF
AUSTIN PEAY STATE UNIVERSITY**

**NOTICE OF PART-TIME EMPLOYMENT AND AGREEMENT
FOR PRESIDENT EMERITUS**

To: Dr. Sherry Hoppe
8909 Rostis Lane
Chattanooga, TN 37421

This is to confirm your part-time appointment to a position approved by the Austin Peay State University APSU Board of Trustees for a period beginning July 1, 2018, at a monthly salary of \$3,367.18, subject to the terms and conditions hereinafter set forth and our acceptance thereof:

1. This appointment is made subject to the laws of the State of Tennessee and the requirements and policies of the APSU Board of Trustees and for the purposes of fulfilling your 2001 hiring arrangement.
2. The term of this agreement is July 1, 2018, to June 30, 2019. It shall be renewed on an annual basis following review of the emeritus work performed and approved by the APSU Board of Trustees.
3. The above stated salary is contingent upon your successful completion of service for the full term of this agreement. The salary will accrue and will be payable monthly. In the event of failure to complete the specific terms of the appointment, salary will be prorated in accordance with the policies of APSU.
4. This appointment and the above-stated salary are in consideration of your faithful performance to the best of your ability of the duties and responsibilities assigned to you as a part-time employee of this institution. These duties include:
 - a. Provide advice and counsel to the president of APSU.
 - b. Assist with fundraising at APSU.
 - c. Visit with alumni who are contributors or have the potential to make significant contributions.
 - d. Attend selected APSU campus and off-campus activities, including athletic events, alumni events, etc.
 - e. Provide consultation and/or assist with relationship building with alumni, donors and community leaders as requested.
 - f. Provide other services and/or support as may be requested by the president of APSU, the APSU Board of Trustees or the Tennessee Higher Education Commission.
5. As a part-time employee, you are not eligible for employment benefits (retirement credit, state insurance plan, annual sick leave, holiday pay or longevity credit). Notwithstanding, social

security will be deducted from your paycheck unless you are a member of a retirement system or are a rehired annuitant as specified in 26 CFR Part 31.

6. This appointment does not include any assurance, obligation or guarantee of subsequent employment.
7. This agreement may be terminated without prior notice.
8. By acceptance of this appointment, you agree to abide by the terms of the Drug-Free Workplace Act of 1988 as defined in published institution statements and policy. You also agree to notify the Office of Personnel of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
9. You are required to notify the president should you become employed at another state agency/institution.
10. The following special conditions shall govern this appointment:

The retired employee accepts employment for up to 120 days during a 12-month period. The number of hours actually worked will be provided to the institution upon request and will be no less than 193.8 hours.

I accept the appointment described above under the terms and conditions set forth.

Appointee
Date

President
Date

Chair, APSU Board of Trustees

Date

**Austin Peay State University is an
Equal Opportunity/Affirmative Action employer.**

Agenda Item: E.iii.

Date: September 14, 2018

Subject: OVC Governing Board Certification Form

Action Recommended: Approval by voice vote

Background Information:

In keeping with the recommendations of the NCAA Presidential Task Force on the Future of Division I Athletics, and pursuant to OVC's annual policy, attached you will find the OVC's Governing Board Certification Form. The chair of the APSU Board of Trustees is asked annually to sign the form indicating that responsibility for the administration of the athletics program has been delegated to the president and the president has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, OVC and all other relevant rules and regulations.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.



OHIO VALLEY CONFERENCE

Governing Board Certification Form Academic Year 2018-19

As Chairman of the Governing Board at _____, I attest that:

- 1) Responsibility for the administration of the athletics program has been delegated to the Chief Executive Officer of the institution.
- 2) The Chief Executive Officer has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, OVC, and all other relevant rules and regulations.
- 3) The Chief Executive Officer, in conjunction with the Director of Athletics and Faculty Athletic Representative, determines how the institutional vote shall be cast on issues of athletics policy presented to the NCAA and the Ohio Valley Conference.

Date Presented to the Governing Board: _____

Signed: _____
(Chair of the Governing Board)

Please return completed form to:

*Beth DeBauche
Commissioner
Ohio Valley Conference
215 Centerview Drive, Suite 115
Brentwood, TN 37027
bdebauche@ovc.org*

Agenda Item: E.iv.

Date: September 14, 2018

Subject: Public Records Rule

Action Recommended: Approval by roll call vote

Background Information:

Pursuant to Public Chapter 712, passed in this most recent legislative session, state governmental entities are required to promulgate rules regarding public records. Austin Peay State University, via Policy 1:012 Inspecting and Copying Public Records and Related Charges for Producing Copies of Public Records, has already adopted the Model Public Records Policy published by the State of Tennessee Office of the Treasury, Office of Open Records Counsel. This action codifies that into rule.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.

**RULES
OF
AUSTIN PEAY STATE UNIVERSITY**

**CHAPTER 0240-05-XX
PUBLIC RECORDS POLICY**

TABLE OF CONTENTS

0240-05-XX-.XX Public Records Policy

0240-05-XX-.XX INTRODUCTION.

Austin Peay State University shall adopt the Model Public Records Policy published by the State of Tennessee Office of the Treasury, Office of Open Records Counsel, in accordance with Tenn. Code Ann. § 10-7-503.

Authority: T.C.A. 10-7-503(g).



BOARD OF TRUSTEES



Austin Peay State University Contracts total value over \$50,000 Approved from May 1, 2018 through August 1, 2018

<u>Contractor</u>	<u>Description of Contract</u>	<u>Department</u>	<u>Yearly Amount</u>	<u>Start Date</u>	<u>End Date</u>	<u>Competitive</u>
Layer 3 Communications	Firewall Perimeter per General Services Administration (GSA) contract MAS GS-35F-0511T	Information Technology	\$ 150,866.00	5/2/2018	6/30/2019	Yes
Crowe Horwath, LLP	Banner Active Directory integration per SWC 405 APSU C-18-0602	Information Technology	\$ 81,500.00	4/25/2018	4/24/2019	Yes
Pride Concrete, LLC	Hand Village Housing Complex maintenance per C-18-0637 RFP 18-079	Housing	\$ 135,486.00	5/21/2018	upon completion	Yes
Fuse, LLC	Enrollment consulting services per C-18-0534 RFP 18-036	Graduate Studies	\$ 92,100.00 *	5/24/2018	5/23/2023	Yes
Triple S Contracting, Inc.	Marion Street Apartments renovation per C-18-0483 RFQ 18-053	University Design and Contraction	\$ 91,202.00	5/29/2018	upon completion	Yes
Collegiate Sports Associates LLC	Conduct search for APSU Athletic Director per C-18-0665	President's Office	\$ 50,000.00	5/31/2018	8/30/2018	No
Brailsford & Dunlavy, Inc.	Housing Master Plan per C-18-0623 RFP 18-052	Housing	\$ 165,430.00	6/28/2018	6/27/2019	Yes
Aon Risk Services Inc. of Washington DC	APSU Nonprofit Directors and Officers Liability Insurance per C-19-0035	President's Office	\$ 64,728.00	7/1/2018	6/30/2019	Yes
StarRez, Inc.	Provision of housing management software per C-19-0010 RFP 18-041	Housing	\$ 71,500.00 **	7/1/2018	6/30/2023	Yes
DBS and Associates Engineering, Inc.	Civil consultant per C-19-0139 RFP 18-082	University Design and Construction	\$ 50,000.00	7/25/2018	7/24/2019	Yes
Gartner	Subscription for higher education research for IT leaders per C-19-0055 RFP 18-058	Information Technology	\$ 91,082.40	7/1/2018	6/30/2023	Yes
EAB Global, Inc.	Subscription for higher education research for Business Affairs, Facilities Forum & Athletic Student Success C-19-0056 RFP 18-058	Physical Plant, Finance & Administration, and Athletics	\$ 62,110.00	7/1/2018	6/30/2023	Yes
Glitnir Ticketing, Inc.	Provision of university ticketing system per C-19-0050 RFP 19-004	Athletics	\$ 10,000.00	7/1/2018	6/30/2023	Yes
Dell Marketing	Dell Computers and Accessories	Information Technology	\$ 51,357.40	7/23/2018	6/30/2019	Yes
Dell Marketing	Dell Computers and Accessories	Information Technology	\$ 196,681.02	7/20/2018	6/30/2019	Yes
Wise Coaches	Football Bus Travel	Athletics	\$ 50,580.00	7/17/2018	6/30/2019	Yes
Pride Concrete, LLC	Browning Office Soundproofing	Physical Plant	\$ 65,399.00	7/9/2018	6/30/2019	Yes
Pomerooy	Smart Net	Information Technology	\$ 134,200.33	7/6/2018	6/30/2019	Yes
Dell Marketing	Lab All-in-ones Computers	Information Technology	\$ 99,019.80	7/3/2018	6/30/2019	Yes
Contract Furniture Alliance	Emerald Hill 5 & 6 Furniture	Housing	\$ 55,859.25	7/2/2018	6/30/2019	Yes
Bonitz Flooring Group	APSU Locker Room	Athletics	\$ 54,924.29	6/21/2018	6/30/2019	Yes
Central Business Group	Spacesaver Mechanical Assist Mobile System	Field Biology	\$ 60,000.00	5/4/2018	6/30/2019	Yes
Bob McCloskey Agency, LLC	Athletics Medical Claims	Athletics	\$ 50,000.00	5/1/2018	6/30/2019	Yes

*First year \$92,100.00 (installation and annual maintenance), \$78,087.50 each year thereafter.

**First year \$71,500.00 (installation and annual maintenance), \$19,500.00 each year thereafter.

Leading
through
EXCELLENCE



Austin Peay State University
Summary of State Building Commissions Actions
May 1, 2018 through August 1, 2018

B O A R D O F T R U S T E E S

<u>Date</u>	<u>SBC/Transaction Number</u>	<u>Project</u>	<u>Value</u>	<u>SBC Action</u>
5/10/2018	166/003-02-2017	Kimbrough Steam Line Replacement	\$7,530	Approval to cancel the project
5/10/2018	166-003-01-2017	Greek Housing Sprinkler Installation	\$165,000	Referred to ESC with authority to act
5/10/2018	373/003-03-2018	Dunn Center 201 Renovation	\$ 100,000.00	Approval of a project utilizing an Agency Consultant for design
6/14/2018	373/000-01-2018	APSU Campus Master Plan Update	\$ 150,000.00	The Commission approved the project and the update to the Master Plan as approved by THEC
6/14/2018	166/003-06-2017	Farm Residence	\$ 410,000.00	The Commission approved a revision in project budget and approval of an EDP as recommended by the State Architect
6/14/2018	166/003-05-2017	Roof Replacement		Approved Bid Withdrawal from Maxwell Roofing & Sheet Metal, Inc.
6/14/2018	373/003-06-2018	Hayes House Envelope Repairs	\$ 180,000.00	Approved a project & to select a designer.
6/14/2018	166/003-04-2011	Master Plan Update	\$ 440,000.00	Approved cancellation of the project
7/12/2018	373/003-07-2018	Kimbrough HVAC Replacement	\$ 2,250,000.00	Approval of a project, proceeding with the process to select a designer and utilizing Construction Manager/General Contractor alternative delivery method
	373/003-08-2018	Fire Alarm Replacements	\$ 1,420,000.00	Approval of a project and proceeding with the process to select a designer



Summary of Executive Sub-Committee Actions

B O A R D O F T R U S T E E S

5/22/2018	373-003-05-2018	Kimbrough Boiler Installation	\$335,000	Approval of a project and use of previously selected consultant for design
6/27/2018	373/000-01-2018	Campus Consultant - Civil Engineer		Designer selection approved - DBS & Associates
7/23/2018	373-003-07-2018	Kimbrough HVAC Replacement	2,250,000	Designer selection approved - Kurzynske & Associates
	373-003-08-2018	Fire Alarm Replacement	1,420,000	Designer selection approved - Win Engineering