



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



## EXECUTIVE COMMITTEE

Austin Peay State University

317 College Street

Clarksville, TN 37040

June 10, 2022

At the conclusion of the Student Affairs Committee meeting

Call to Order

Roll Call/Declaration of a Quorum

Approval of Minutes

Action Items

A.Consideration of Policy 1:001 Conflict of Interest

B.Consideration of Policy 1:024 Board of Trustees Delegation of Authority

C.Consideration of Amendment to Traffic and Parking Regulations Permanent Rule

D.Consideration of the Use of Unmanned Aircraft Systems Permanent Rule

E.Consideration of the President's Performance Evaluation and Incentive for Fiscal Year 2021-2022

F.Consideration of the President's Base Compensation for Fiscal Year 2022-2023

G.Consideration of the President's Performance Evaluation and Incentive Plan for Fiscal Year 2022-2023

Adjourn



<b>Executive Committee Meeting</b>		
3/18/2022	8:48 a.m.	317 College Street, Clarksville, TN 37040
Meeting Type	Executive Committee	
Notetaker	Sharon Silva	
Attendees	Committee Members	Present (Y/N)
	Mr. Billy Atkins, Chair	Y
	Mr. Don Jenkins	Y
	Brig. Gen. Robin Mealer	Y
	University Personnel	
	Dr. Michael Licari, President	Y
	Dr. Carol Clark, Secretary to the Board	Y
	Ms. Dannelle Whiteside, Vice President for Legal Affairs & Organizational Strategy	Y
<b>Call to Order</b>		
Discussion		
Trustee Atkins called the meeting to order at 8:48 a.m.		
<b>Roll Call/Declaration of a Quorum</b>		
Discussion		
Dr. Carol Clark, secretary to the board, called the roll.		
Trustee Atkins stated there was a quorum.		
<b>Approval of Minutes</b>		
Discussion		

Trustee Atkins stated that the minutes for the December 3, 2021, Executive Committee meeting were circulated in advance and asked if there were any corrections or additions to the minutes. There were none.

Conclusions	
-------------	--

Trustee Jenkins moved to approve the minutes as written. Trustee Mealer seconded the motion.

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

**Action Item A - Consideration of Revisions to the Board of Trustees Bylaws**

Discussion	
------------	--

Trustee Atkins introduced Dr. Clark to present the proposed revisions to the Board of Trustees Bylaws. Clark stated that the proposed revisions to the Board of Trustees Bylaws provide clarity to the election of the officers of the board and the appointment of committee chairs and members, and makes one minor wording change. The proposed revisions are:

Article III, Section 1, Item B - replaces the word "teachers" with "faculty," a term more appropriate for a university setting.

Article V, Section 1 - clarifies that "the officers of the Board will be elected from the members appointed by the Governor" instead of from "voting Board members." This revision better aligns with SACSCOC Standard 4.1 (c) which requires that the presiding officer of the board is free of any employment interest in the institution.

Article V, Section 4 - aligns the terms of service for the board officers with the fiscal year of the University and establishes a process that will allow the newly elected chair to make committee appointments at the summer board meeting, to be effective July 1 of that year.

Article IX - Adds wording to make this section consistent with Article V, Section 2, of the bylaws and formalizes the terms of committee appointments.

Conclusions	
-------------	--

Trustee Atkins moved that the committee approve the revisions to the Board of Trustees Bylaws as written. Trustee Jenkins seconded the motion.

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

**Action Item B - Consideration of Revisions to the Executive Committee Charter**

Discussion	
------------	--

Trustee Atkins introduced Dr. Clark to present the proposed revisions to the Executive Committee Charter. Clark stated that the proposed revisions to the Executive Committee Charter remove a conflict between the Executive Committee Charter and the Bylaws of the Board of Trustees. The proposed revisions are:

The removal of "and committee" from item (i) in the list of matters reserved for full Board approval. This revision will remove a conflict with the Bylaws of the Board of Trustees, which state that "Members of the committees and committee chairs shall be appointed by the Board Chair."

Minor wording changes in the section "Composition of the Committee" to correct sentence structure and to confirm the role of the university president on the committee.

Conclusions	
-------------	--

Trustee Atkins moved to approve the Revisions to the Executive Committee Charter. Trustee Mealer seconded the motion.

A voice vote was taken, and the motion carried unanimously with three trustees voting yes.

<b>Adjourn</b>
----------------

Discussion	
------------	--

Trustee Atkins moved to adjourn the Executive Committee meeting. Trustee Jenkins seconded the motion.

A voice vote was taken and carried unanimously with three trustees voting yes. The meeting adjourned at 8:53 a.m.

**Austin Peay State  
University**

**Conflict of Interest**

**POLICIES**

**Issued:** ~~June 10, 2022~~ ~~September 18, 2020~~

**Responsible Official:** Vice President for Legal Affairs and  
Organizational Strategy

**Responsible Office:** Office of Legal Affairs

---

**Policy Statement**

---

It is the policy of Austin Peay State University that employees should avoid external commitments which significantly interfere with the employee's duties to the Board of Trustees and the University. Employees should avoid situations where the self-interests of the Trustees or employee diverge from the best interests of the Board and the University. Board members should avoid external commitments that interfere with their fiduciary obligations to Austin Peay.

---

**Purpose**

---

The purpose of this policy is to define the general principles which should guide the actions of members of the Board and of employees; offer illustrations of activities which potentially constitute a conflict of interest; make Board members and employees aware of disclosure requirements related to conflicts of interest; describe the process by which those disclosures shall be evaluated and decisions rendered; and describe the appeals process regarding such decisions.

---

**Contents**

---

**Definitions**

- Conflict of interest
- Conflict of commitment
- Family member
- Immediate family

**Procedures**

- I. Objectives of the Conflicts of Interest Policy
- II. Pertinent Federal Regulations, State Laws, and APSU Policies
- III. Applicability

- IV. General Principles
- V. Situations and Activities Creating a Conflict of Interest
- VI. General Disclosure Requirements
- VII. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding
- VIII. Special Disclosure Requirements for Trustees and Certain APSU Employees
- IX. Review of Disclosures
- X. Sanctions
- XI. Appeals

### Links

-APSU Conflict of Interest Committee

---

### Definitions

---

<b>Conflict of interest</b>	Occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Austin Peay State University Board of Trustees and its constituent University (Trustees and all employees) actually or potentially diverge with the person's professional obligations to and the best interests of the Board and the University.
<b>Conflict of commitment</b>	Occurs when the personal or other non-work related activities of an employee of the Board of Trustee and its constituent University impair the ability of that employee to meet their commitments of time and energy to the Board of Trustee and the University.
<b>Family member</b>	Includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.
<b>Immediate family</b>	For purposes of Section VI.A.1.b.(2)(c), means spouse, dependent children or stepchildren, or relatives related by blood or marriage.

---

### Procedures

---

- |  |   |
|--|---|
| <b>I. Objectives of the Conflicts of Interest Policy</b> | A. Members of the APSU Board of Trustees and all employees of APSU all serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests |
|--|---|

before the professional obligations which they owe to the State and its citizens.

## **II. Pertinent Federal Regulations, State Laws, and APSU Policies**

- A. The following lists are intended to indicate sources of information which may provide additional guidance regarding conflict of interest situations.
- B. This policy is intended to be consistent with all pertinent Federal and State laws, regulations, and policies, as well as with other APSU policies.
- C. To the extent that conflicts arise, Federal and State laws, regulations, and policies shall take precedence.
- D. The lists are not intended to be exhaustive and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.
  - 1. Federal Regulations
    - a. The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies.
    - b. The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations, upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 et seq. and 45 CFR 94.1 et seq.
    - c. Other Federal agencies (e.g., the Veterans' Administration or the Food and Drug Administration) may require as a condition to a contract, disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).
  - 2. Tennessee State Law
    - a. Various statutes contained in the Tennessee Code Annotated (T.C.A.) are pertinent to the issue of conflicts of interest within the Board of Trustees and the University, including:
      - 1. T.C.A. § 8-50-501, Disclosure statements of conflict of interests by certain public officials

2. T.C.A. § 12-2-208, Purchase by officer unlawful – penalty for violation
3. T.C.A. § 12-2-415, State surplus property disposition regulation
4. T.C.A. § 12-2-416, Violation of § 12-2-415
5. T.C.A. § 12-2-417, State employee violation – punishment
6. T.C.A. § 12-4-106, Prohibition against receiving rebates, gifts, money or anything of value -- Conflict of interest
7. T.C.A. § 12-4-101, Personal interest of officers prohibited
8. T.C.A. § 12-4-102, Penalty for unlawful interest
9. T.C.A. § 12-4-103, Bidding by state employees prohibited
10. T.C.A. § 12-4-104, Penalty for unlawful transactions
11. T.C.A. § 49-8-203(d), Powers and duties (of the Board of Trustees)
- b. It is significant to note that violation of some of these statutes may lead to criminal penalties (e.g., violation of T.C.A. § 12-4-103 is a Class E felony).
3. APSU Policies
  - a. The following APSU policies deal with issues which implicate conflict of interest situations:
    1. APSU Policy 4:014, Purchasing Policy
    2. APSU Policy 4:019, Disposal of Surplus Personal Property
    3. APSU Policy 5:014, Outside Employment and Extra Compensation
    4. APSU Policy 2:047, Intellectual Property, Patents, and Copyrights
    5. APSU Policy 5:035, Nepotism

### **III. Applicability**

- A. This policy shall apply to all persons serving as members of the Board of Trustees and to all persons employed (either as full-time, part-time or temporary employees) by the University.

### **IV. General Principles**

- A. It is the policy of Austin Peay State University that employees should avoid external commitments which significantly interfere with the employee's duties to the Board of Trustees and the University (conflicts of commitment). See also APSU Policy 5:014, Outside Employment and Extra Compensation. Disclosures of



conflicts of commitment shall be made as required under Policy 5:014 and evaluated as indicated in that policy.

- B. It is the further policy of Austin Peay State University that both the Trustees and employees should avoid situations where the self-interests of the Trustees or employees diverge from the best interests of the University (conflict of interest).
- C. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated.
  - 1. Where the potential detriment to the Board and the University is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference.
  - 2. For those situations which do not implicate Federal or State law, regulation or policy, the standard by which it should be determined whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected Trustee or employee.

**V. Situations and Activities Creating a Conflict of Interest**

- A. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee/Trustee allowing his or her personal interests, and not the best interests of the Board of Trustees and its constituent University, to affect that employee's judgments. This list is illustrative, and not exhaustive.
  - 1. Self-dealing
    - a. Situations in which a Trustee or employee can appear to influence or actually influence a University-related decision from which that person or a member of that person's family stands to realize a personal financial benefit is self-dealing, and a conflict of interest.
    - b. Examples of self-dealing activities are numerous, and include those listed below.
      - 1. Purchase of State-owned property by an employee absent fair and open bidding.
        - 1. It is unlawful for any state employee to purchase surplus state-owned property absent a fair and open bidding process (see T.C.A. § 12-2-208 and T.C.A. § 12-2-417).

2. Such purchases are also prohibited under APSU Policy 4:019.
2. Institutional purchases from businesses in which an employee or family member has a financial interest.
  1. T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to “bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee” or “to have any interest in the selling of the same to the state” during that person’s term of employment and for six months thereafter.
  2. Disclosure of any such transaction by an employee or member of the employee’s family or by a business in which an employee or member of the employee’s family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.
  3. T.C.A. § 12-4-106(b) declares that it is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any public contract for products or services for a governmental entity if such person or “immediate family” of such person is a member of a board or commission having responsibility for letting or approving such contract.
  4. For purposes of this section only, “immediate family” means spouse, dependent children or stepchildren, or relatives related by blood or marriage.
3. Use of Educational Materials from Which a Faculty Member Derives Financial Benefit in That faculty Member’s Teaching Activities.
  1. Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section VII of this policy.

2. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section X of this policy.
3. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
4. Acceptance of Gifts, Gratuities, or Favors
  1. Gifts. No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
    1. Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
    2. Has interests that may be substantially affected by the performance or nonperformance of the employee.
5. Exceptions
  1. The prohibition on accepting gifts in Section (4)(a) above, does not apply to:
    1. A gift given by a member of the employee's immediate family, or by an individual, if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
    2. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
    3. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and

professional meetings where vendors display and promote their services and products;

4. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section VI.A.1.b.(4).
  5. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;
  6. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
  7. Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities identified in Section VI.A.1.b.(4) provide sponsorships; and
  8. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in Section VI.A.1.b.(4)
2. Inappropriate use of students or support staff

- a. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the faculty member.
  - b. Prior to assigning any such non-Institutionally related task (which is more than incidental or de minimus in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval.
- 3. Inappropriate use of State owned resources
  - a. Employees may not make significant use of State owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval.
- 4. Failure to disclose intellectual property
  - a. APSU Policy 2:047 governs the rights and responsibilities which persons affiliated with the Board of Trustees and the University have regarding intellectual property developed during the term of their affiliation with the University.
  - b. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed with the Board of Trustees and the University.

## **VI. General Disclosure Requirements**

- A. Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation.
- B. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.
- C. For members of the Board, disclosure shall be made to the Secretary of the Board.
- D. A University employee who self-discloses a potential conflict of interest or a written report of a potential conflict of interest is presented to the Conflict of Interest Committee.
- E. Disclosures made by a President shall be submitted to the Director of Internal Audit.

E.F. Potential conflicts of interest shall be disclosed in a timely manner, and whenever possible, prior to engaging in a potential conflict of interest.

**VII. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding**

- A. Under the policies and regulations indicated under Section 2.1 herein, investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator;
1. That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS; or
  2. In entities whose financial interests would reasonably appear to be affected by such activities.
    - a. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency.
    - b. Further, such disclosures must be updated during the period of the award; either annually or as new reportable financial interests arise.
    - c. The University is responsible for eliminating or managing such conflicts prior to receipt of the award.
    - d. To facilitate such disclosures, the accompanying disclosure form is available.
  3. The University is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.
  4. Disclosure of financial interests made pursuant to this Section VIII notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

**VIII. Special Disclosure Requirements for Trustees and Certain APSU Employees**

- A. Members of the Board of Trustees, the President, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter.
- B. Disclosure of financial interests made pursuant to this Section IX notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

1. Members of the Board of Trustees shall make their disclosure using a form as indicated and submitted to the Secretary of the Board annually.
2. The President is required by Tenn. Code Ann. § 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission at <https://apps.tn.gov/conflict/>, Form ss-8005 (State Officials) in January. For the Presidents this Statement of Disclosure will meet the requirements of this Policy.
3. Coaches, assistant coaches, exempt employees of the athletic department and other University personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission Form ss-8005, Statement of Disclosure of Interest Form and accompanying instructions in January. The form shall be submitted to the Human Resource Office or other person designated by the President.

## **IX. Review of Disclosures**

- A. Disclosures made under Section VII of this policy by a member of the Board of Trustee. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.
- B. A University employee who self-discloses a potential conflict of interest or a written report of a potential conflict of interest is presented to the Conflict of Interest Committee.
  1. The Chair of the Conflict of Interest report submits the disclosure report to the Conflict of Interest Committee.
  2. The Conflict of Interest Committee reviews details of possible Conflict of Interest.
  3. The Conflict of Interest Committee evaluates the proposed Conflict of Interest and seeks legal input from the APSU Office of Legal Affairs when indicated in reviewing of the report.
  4. The Conflict of Interest Committee renders a decision regarding the issue around the disclosure, determining if there is a conflict of interest and how it should be managed (restrictions to be placed on the individual to manage the conflict or that the person must eliminate the conflict).
  5. The Conflict of Interest Committee notifies in writing the person of the outcome, and employee is given an opportunity to appear before the committee.
  6. The disclosures and Committee decisions are forwarded to the President.

**X. Sanctions**

- A. Failure to observe restrictions imposed as a result of review of a conflict of interest disclosure or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under University policy. A Board member who knowingly fails to disclose a conflict of interest shall be subject to removal.

**XI. Appeals**

- A. Decisions made by the Board of Trustees may not be appealed.
- B. Decisions made by the University Review Committee may be appealed to the President. Decisions of the President shall be final and binding.

---

**Links**

---

**APSU Conflict of Interest Committee** <https://www.apsu.edu/governance/committees/conflictinterest.php>

---

**Revision Dates**

---

**APSU Policy 1:001 – Rev.: June 10, 2022**

APSU Policy 1:001 – Rev.: September 18, 2020

APSU Policy 1:001 (previously 5:056) – Rev.: March 30, 2017

APSU Policy 1:001 – Rev.: April 11, 2012

APSU Policy 1:001 – Rev.: September 2, 2008

APSU Policy 1:001 – Rev.: January 13, 2003

APSU Policy 1:001 – Issued: February 10, 1999

---

**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

---

**Approved**

---

President: signature on file

---



**Austin Peay State  
University**

**Conflict of Interest**

**Issued:** June 10, 2022

**POLICIES**

**Responsible Official:** Vice President for Legal Affairs and  
Organizational Strategy

**Responsible Office:** Office of Legal Affairs

---

**Policy Statement**

---

It is the policy of Austin Peay State University that employees should avoid external commitments which significantly interfere with the employee's duties to the Board of Trustees and the University. Employees should avoid situations where the self-interests of the Trustees or employee diverge from the best interests of the Board and the University. Board members should avoid external commitments that interfere with their fiduciary obligations to Austin Peay.

---

**Purpose**

---

The purpose of this policy is to define the general principles which should guide the actions of members of the Board and of employees; offer illustrations of activities which potentially constitute a conflict of interest; make Board members and employees aware of disclosure requirements related to conflicts of interest; describe the process by which those disclosures shall be evaluated and decisions rendered; and describe the appeals process regarding such decisions.

---

**Contents**

---

**Definitions**

- Conflict of interest
- Conflict of commitment
- Family member
- Immediate family

**Procedures**

- I. Objectives of the Conflicts of Interest Policy
- II. Pertinent Federal Regulations, State Laws, and APSU Policies
- III. Applicability

- IV. General Principles
- V. Situations and Activities Creating a Conflict of Interest
- VI. General Disclosure Requirements
- VII. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding
- VIII. Special Disclosure Requirements for Trustees and Certain APSU Employees
- IX. Review of Disclosures
- X. Sanctions
- XI. Appeals

### **Links**

-APSU Conflict of Interest Committee

---

### **Definitions**

---

<b>Conflict of interest</b>	Occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Austin Peay State University Board of Trustees and its constituent University (Trustees and all employees) actually or potentially diverge with the person's professional obligations to and the best interests of the Board and the University.
<b>Conflict of commitment</b>	Occurs when the personal or other non-work related activities of an employee of the Board of Trustee and its constituent University impair the ability of that employee to meet their commitments of time and energy to the Board of Trustee and the University.
<b>Family member</b>	Includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.
<b>Immediate family</b>	For purposes of Section VI.A.1.b.(2)(c), means spouse, dependent children or stepchildren, or relatives related by blood or marriage.

---

### **Procedures**

---

- |  |   |
|--|---|
| <b>I. Objectives of the Conflicts of Interest Policy</b> | A. Members of the APSU Board of Trustees and all employees of APSU all serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests |
|--|---|

before the professional obligations which they owe to the State and its citizens.

## **II. Pertinent Federal Regulations, State Laws, and APSU Policies**

- A. The following lists are intended to indicate sources of information which may provide additional guidance regarding conflict of interest situations.
- B. This policy is intended to be consistent with all pertinent Federal and State laws, regulations, and policies, as well as with other APSU policies.
- C. To the extent that conflicts arise, Federal and State laws, regulations, and policies shall take precedence.
- D. The lists are not intended to be exhaustive and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.
  1. Federal Regulations
    - a. The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies.
    - b. The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations, upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 et seq. and 45 CFR 94.1 et seq.
    - c. Other Federal agencies (e.g., the Veterans' Administration or the Food and Drug Administration) may require as a condition to a contract, disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).
  2. Tennessee State Law
    - a. Various statutes contained in the Tennessee Code Annotated (T.C.A.) are pertinent to the issue of conflicts of interest within the Board of Trustees and the University, including:
      1. T.C.A. § 8-50-501, Disclosure statements of conflict of interests by certain public officials

2. T.C.A. § 12-2-208, Purchase by officer unlawful – penalty for violation
3. T.C.A. § 12-2-415, State surplus property disposition regulation
4. T.C.A. § 12-2-416, Violation of § 12-2-415
5. T.C.A. § 12-2-417, State employee violation – punishment
6. T.C.A. § 12-4-106, Prohibition against receiving rebates, gifts, money or anything of value -- Conflict of interest
7. T.C.A. § 12-4-101, Personal interest of officers prohibited
8. T.C.A. § 12-4-102, Penalty for unlawful interest
9. T.C.A. § 12-4-103, Bidding by state employees prohibited
10. T.C.A. § 12-4-104, Penalty for unlawful transactions
11. T.C.A. § 49-8-203(d), Powers and duties (of the Board of Trustees)
- b. It is significant to note that violation of some of these statutes may lead to criminal penalties (e.g., violation of T.C.A. § 12-4-103 is a Class E felony).
3. APSU Policies
  - a. The following APSU policies deal with issues which implicate conflict of interest situations:
    1. APSU Policy 4:014, Purchasing Policy
    2. APSU Policy 4:019, Disposal of Surplus Personal Property
    3. APSU Policy 5:014, Outside Employment and Extra Compensation
    4. APSU Policy 2:047, Intellectual Property, Patents, and Copyrights
    5. APSU Policy 5:035, Nepotism

### **III. Applicability**

- A. This policy shall apply to all persons serving as members of the Board of Trustees and to all persons employed (either as full-time, part-time or temporary employees) by the University.

### **IV. General Principles**

- A. It is the policy of Austin Peay State University that employees should avoid external commitments which significantly interfere with the employee's duties to the Board of Trustees and the University (conflicts of commitment). See also APSU Policy 5:014, Outside Employment and Extra Compensation. Disclosures of

conflicts of commitment shall be made as required under Policy 5:014 and evaluated as indicated in that policy.

- B. It is the further policy of Austin Peay State University that both the Trustees and employees should avoid situations where the self-interests of the Trustees or employees diverge from the best interests of the University (conflict of interest).
- C. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated.
  - 1. Where the potential detriment to the Board and the University is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference.
  - 2. For those situations which do not implicate Federal or State law, regulation or policy, the standard by which it should be determined whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected Trustee or employee.

**V. Situations and Activities Creating a Conflict of Interest**

- A. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee/Trustee allowing his or her personal interests, and not the best interests of the Board of Trustees and its constituent University, to affect that employee's judgments. This list is illustrative, and not exhaustive.
  - 1. Self-dealing
    - a. Situations in which a Trustee or employee can appear to influence or actually influence a University-related decision from which that person or a member of that person's family stands to realize a personal financial benefit is self-dealing, and a conflict of interest.
    - b. Examples of self-dealing activities are numerous, and include those listed below.
      - 1. Purchase of State-owned property by an employee absent fair and open bidding.
        - 1. It is unlawful for any state employee to purchase surplus state-owned property absent a fair and open bidding process (see T.C.A. § 12-2-208 and T.C.A. § 12-2-417).

2. Such purchases are also prohibited under APSU Policy 4:019.
2. Institutional purchases from businesses in which an employee or family member has a financial interest.
  1. T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to “bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee” or “to have any interest in the selling of the same to the state” during that person’s term of employment and for six months thereafter.
  2. Disclosure of any such transaction by an employee or member of the employee’s family or by a business in which an employee or member of the employee’s family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.
  3. T.C.A. § 12-4-106(b) declares that it is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any public contract for products or services for a governmental entity if such person or “immediate family” of such person is a member of a board or commission having responsibility for letting or approving such contract.
  4. For purposes of this section only, “immediate family” means spouse, dependent children or stepchildren, or relatives related by blood or marriage.
3. Use of Educational Materials from Which a Faculty Member Derives Financial Benefit in That faculty Member’s Teaching Activities.
  1. Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section VII of this policy.

2. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section X of this policy.
3. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
4. Acceptance of Gifts, Gratuities, or Favors
  1. Gifts. No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
    1. Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
    2. Has interests that may be substantially affected by the performance or nonperformance of the employee.
5. Exceptions
  1. The prohibition on accepting gifts in Section (4)(a) above, does not apply to:
    1. A gift given by a member of the employee's immediate family, or by an individual, if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
    2. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
    3. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and

professional meetings where vendors display and promote their services and products;

4. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section VI.A.1.b.(4).
  5. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;
  6. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
  7. Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities identified in Section VI.A.1.b.(4) provide sponsorships; and
  8. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in Section VI.A.1.b.(4)
2. Inappropriate use of students or support staff



- a. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the faculty member.
- b. Prior to assigning any such non-Institutionally related task (which is more than incidental or de minimus in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval.
3. Inappropriate use of State owned resources
  - a. Employees may not make significant use of State owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval.
4. Failure to disclose intellectual property
  - a. APSU Policy 2:047 governs the rights and responsibilities which persons affiliated with the Board of Trustees and the University have regarding intellectual property developed during the term of their affiliation with the University.
  - b. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed with the Board of Trustees and the University.

## **VI. General Disclosure Requirements**

- A. Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation.
- B. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.
- C. For members of the Board, disclosure shall be made to the Secretary of the Board.
- D. A University employee who self-discloses a potential conflict of interest or a written report of a potential conflict of interest is presented to the Conflict of Interest Committee.
- E. Disclosures made by a President shall be submitted to the Director of Internal Audit.

- F. Potential conflicts of interest shall be disclosed in a timely manner, and whenever possible, prior to engaging in a potential conflict of interest.

**VII. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding**

- A. Under the policies and regulations indicated under Section 2.1 herein, investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator;
  - 1. That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS; or
  - 2. In entities whose financial interests would reasonably appear to be affected by such activities.
    - a. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency.
    - b. Further, such disclosures must be updated during the period of the award; either annually or as new reportable financial interests arise.
    - c. The University is responsible for eliminating or managing such conflicts prior to receipt of the award.
    - d. To facilitate such disclosures, the accompanying disclosure form is available.
  - 3. The University is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.
  - 4. Disclosure of financial interests made pursuant to this Section VIII notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

**VIII. Special Disclosure Requirements for Trustees and Certain APSU Employees**

- A. Members of the Board of Trustees, the President, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter.
- B. Disclosure of financial interests made pursuant to this Section IX notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

1. Members of the Board of Trustees shall make their disclosure using a form as indicated and submitted to the Secretary of the Board annually.
2. The President is required by Tenn. Code Ann. § 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission at <https://apps.tn.gov/conflict/>, Form ss-8005 (State Officials) in January. For the Presidents this Statement of Disclosure will meet the requirements of this Policy.
3. Coaches, assistant coaches, exempt employees of the athletic department and other University personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission Form ss-8005, Statement of Disclosure of Interest Form and accompanying instructions in January. The form shall be submitted to the Human Resource Office or other person designated by the President.

## **IX. Review of Disclosures**

- A. Disclosures made under Section VII of this policy by a member of the Board of Trustee. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.
- B. A University employee who self-discloses a potential conflict of interest or a written report of a potential conflict of interest is presented to the Conflict of Interest Committee.
  1. The Chair of the Conflict of Interest report submits the disclosure report to the Conflict of Interest Committee.
  2. The Conflict of Interest Committee reviews details of possible Conflict of Interest.
  3. The Conflict of Interest Committee evaluates the proposed Conflict of Interest and seeks legal input from the APSU Office of Legal Affairs when indicated in reviewing of the report.
  4. The Conflict of Interest Committee renders a decision regarding the issue around the disclosure, determining if there is a conflict of interest and how it should be managed (restrictions to be placed on the individual to manage the conflict or that the person must eliminate the conflict).
  5. The Conflict of Interest Committee notifies in writing the person of the outcome, and employee is given an opportunity to appear before the committee.
  6. The disclosures and Committee decisions are forwarded to the President.

**X. Sanctions**

- A. Failure to observe restrictions imposed as a result of review of a conflict of interest disclosure or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under University policy. A Board member who knowingly fails to disclose a conflict of interest shall be subject to removal.

**XI. Appeals**

- A. Decisions made by the Board of Trustees may not be appealed.
- B. Decisions made by the University Review Committee may be appealed to the President. Decisions of the President shall be final and binding.

---

**Links**

---

**APSU Conflict of Interest Committee** <https://www.apsu.edu/governance/committees/conflictinterest.php>

---

**Revision Dates**

---

APSU Policy 1:001 – Rev.: June 10, 2022  
APSU Policy 1:001 – Rev.: September 18, 2020  
APSU Policy 1:001 (previously 5:056) – Rev.: March 30, 2017  
APSU Policy 1:001 – Rev.: April 11, 2012  
APSU Policy 1:001 – Rev.: September 2, 2008  
APSU Policy 1:001 – Rev.: January 13, 2003  
APSU Policy 1:001 – Issued: February 10, 1999

---

**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

---

**Approved**

---

President: signature on file

---

**Austin Peay State  
University**

**Board of Trustees Delegation of Authority**

**POLICIES**

**Issued:** ~~June 10, 2022~~ ~~June 8, 2018~~

**Responsible Official:** Vice President for Legal Affairs &  
Organizational Strategy

**Responsible Office:** Legal Affairs

---

**Policy Statement**

---

The Austin Peay State University Board of Trustees (“Board”) is vested with the power and authority to govern Austin Peay State University (University). The Board reserves to itself certain powers and authority, and may delegate authority as provided for in state law, the Board Bylaws and as set forth in Board or University policy.

---

**Purpose**

---

The purpose of this policy is to enumerate such powers and duties that it holds and to enumerate those powers and duties that the Board chooses to delegate to the President.

---

**Procedures**

---

**Powers and Duties of the  
Board**

The Board reserves to itself all authority necessary to carry out its legal and fiduciary duties and responsibilities, to include the authority to set the overall direction of the Institution. The Board shall exercise its authority consistent with state law, and Board and University policies.

No authority that the Board reserves to itself shall be exercised by any other person or body unless expressly authorized by Board policy or directive. The Board shall retain authority over matters unless otherwise specified as a delegation to the President. The Board’s powers and duties are expressly stated in its Bylaws to include the following:

- A. Determine the mission of the University and ensure that the mission is kept current and aligned with the goals of Tennessee’s master plan for public higher education;

- B. Select and employ the chief executive officer of the University and to confirm the appointment of administrative personnel, faculty, and other employees of the University and their salaries and terms of office;
- C. Prescribe curricula and requirements for diplomas and degrees in cooperation with the TN Board of Regents, University of Tennessee Board of Trustees, and other state university boards in the interest of maintaining alignment across state higher education;
- D. Approve the operating budget and set the fiscal policies for the University and its programs;
- E. Establish policies and regulations regarding the campus life of the University, including, but not limited to, the conduct of students, student housing, parking, and safety;
- F. Grant tenure to eligible members of the faculty upon the recommendation of the President;
- G. Assume general responsibility for the operation of the University, delegating to the President such powers and duties as are necessary and appropriate for the efficient administration of the University and its programs;
- H. Receive donations of money, securities, and property from any source on behalf of the University, which gifts shall be used in accordance with the conditions set by the donor;
- I. Purchase land, condemn land, erect buildings, and equip buildings for the University, subject to the requirements of the State Building Commission and the terms and conditions of legislative appropriations, costing more than \$500,000;
- J. Provide insight and guidance to the University's strategic direction and charge the President with leading the strategic planning process;
- K. Ensure the University's fiscal integrity; oversee the University's financial resources and other assets; review and approve annual University budgets; and preserve and protect the University's assets for posterity;

- L. Ensure and protect, within the context of faculty shared governance, the educational quality of the University and its academic programs; and preserve and protect the University's autonomy, academic freedom, and the public purposes of higher education;
- M. Refrain from directing the day-to-day management and administration of the University, which is the responsibility of the President of the University; and from directing or interfering with any employee, officer, or agent under the direct or indirect supervision of the President;
- N. Act as a body with no individual member speaking for the Board unless specifically authorized to do so by the Board; and
- O. Exercise such other powers, not otherwise prescribed by law, that are necessary to carry out its statutory duties.

**Delegation to the President**

The President shall be the chief executive officer of the University. Subject to the ultimate authority of the Board, the President is delegated the authority necessary and appropriate for the efficient administration of the University and its programs, including the establishment of policies and procedures for the educational programs and operations of the University, except where the Board has reserved specific authority pursuant to the Bylaws and this policy as enumerated above. The discretionary powers of the President shall be sufficiently broad to enable him/her to discharge these responsibilities.

Unless otherwise restricted by specific Board policies or directives, the President may delegate general executive management and administrative authority to other executive officers and employees as necessary and prudent, including authority to execute contracts and other legal documents. The President may condition, limit, or revoke any presidential authority so delegated. All delegations and revocations shall be in writing, name the position to whom such authority is delegated, describe the scope and limitations of such authority, and prescribe the extent to which such authority may be further sub-delegated. Notwithstanding any delegation, the President remains responsible for the proper functioning of the University.

The President shall carry out all rules, orders, directives, and policies established by the Board, and shall approve and

implement all other policies and standards for the management of the University.

The organizational structure of the University will be established by the President except as otherwise specifically determined by the Board.

The President shall notify the Board of any matter that significantly involves the authority and role of the Board, including its fiduciary, oversight and public accountability responsibilities.

The President is authorized to negotiate and execute contracts on behalf of the University, including the aggregation of all contract extensions and renewals.

The President is authorized to name identifiable sub-units or components of campus facilities.

The President may hire all employees of the University and, within budgetary limitations, fix their salaries, and approve promotions, transfers, leaves of absence, and removal of personnel pursuant to the requirements of APSU policies and subject to such prior approval or confirmation as the Board may require. The President is authorized to further delegate appointing authority to the Vice Presidents or other designees.

The President shall have the authority to negotiate banking and credit card services to periodically open and close bank accounts and to purchase and sell investments. The President may delegate this authority to other administrative officers.

The President is authorized to act for the Board regarding all matters concerning grants and contracts for research, development, service and training.

The President is authorized to act for the Board in the management of the student body and other matters incident thereto, except for the establishment of rules and policies regarding student conduct.

The President is authorized to establish a reserve officers training corps unit, to execute and deliver bond, with or without surety, in such manner and on such terms and conditions as may be required by the United States, for the care and safekeeping of the transportation, animals, arms, ammunition, supplies, tentage, and



equipment that may be necessary or desirable for the operation, conduct and training of any reserve officers training corps units of the armed forces of the United States authorized by law at any time.

The President is authorized to act for the Board regarding the execution and administration of instruments and the general business and financial affairs of the University that occur in the usual course of business except as otherwise provided in the Board Bylaws.

The President is authorized to purchase land, condemn land, erect buildings, and equip buildings for the University, subject to the requirements of the State Building Commission and the terms and conditions of legislative appropriations, costing less than ~~\$999,999.99~~\$499,999.99. The President is also authorized to approve the acquisition or disposal of real property for the University, subject to other approvals that may be required.

The President is authorized to act for the Board regarding all legal action necessary to protect the interests of the University.

In the event of an emergency or in the event immediate action is in the best interests of the University, the President, after consultation with the Board Chair, is authorized to act, pursuant to authority otherwise available but for this Delegation of Authority.

---

#### Revision Dates

---

APSU 1:024 – Rev.: June 10, 2022

APSU 1:024 – Rev.: June 8, 2018

APSU Policy 1:024 – Issued: March 30, 2017

---

#### Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

---

#### Approved

---

President: signature on file

---

**Austin Peay State  
University**

**Board of Trustees Delegation of Authority**

**Issued:** June 10, 2022

**POLICIES**

**Responsible Official:** Vice President for Legal Affairs &  
Organizational Strategy

**Responsible Office:** Legal Affairs

---

**Policy Statement**

---

The Austin Peay State University Board of Trustees (“Board”) is vested with the power and authority to govern Austin Peay State University (University). The Board reserves to itself certain powers and authority, and may delegate authority as provided for in state law, the Board Bylaws and as set forth in Board or University policy.

---

**Purpose**

---

The purpose of this policy is to enumerate such powers and duties that it holds and to enumerate those powers and duties that the Board chooses to delegate to the President.

---

**Procedures**

---

**Powers and Duties of the  
Board**

The Board reserves to itself all authority necessary to carry out its legal and fiduciary duties and responsibilities, to include the authority to set the overall direction of the Institution. The Board shall exercise its authority consistent with state law, and Board and University policies.

No authority that the Board reserves to itself shall be exercised by any other person or body unless expressly authorized by Board policy or directive. The Board shall retain authority over matters unless otherwise specified as a delegation to the President. The Board’s powers and duties are expressly stated in its Bylaws to include the following:

- A. Determine the mission of the University and ensure that the mission is kept current and aligned with the goals of Tennessee’s master plan for public higher education;

- B. Select and employ the chief executive officer of the University and to confirm the appointment of administrative personnel, faculty, and other employees of the University and their salaries and terms of office;
- C. Prescribe curricula and requirements for diplomas and degrees in cooperation with the TN Board of Regents, University of Tennessee Board of Trustees, and other state university boards in the interest of maintaining alignment across state higher education;
- D. Approve the operating budget and set the fiscal policies for the University and its programs;
- E. Establish policies and regulations regarding the campus life of the University, including, but not limited to, the conduct of students, student housing, parking, and safety;
- F. Grant tenure to eligible members of the faculty upon the recommendation of the President;
- G. Assume general responsibility for the operation of the University, delegating to the President such powers and duties as are necessary and appropriate for the efficient administration of the University and its programs;
- H. Receive donations of money, securities, and property from any source on behalf of the University, which gifts shall be used in accordance with the conditions set by the donor;
- I. Purchase land, condemn land, erect buildings, and equip buildings for the University, subject to the requirements of the State Building Commission and the terms and conditions of legislative appropriations, costing more than \$500,000;
- J. Provide insight and guidance to the University's strategic direction and charge the President with leading the strategic planning process;
- K. Ensure the University's fiscal integrity; oversee the University's financial resources and other assets; review and approve annual University budgets; and preserve and protect the University's assets for posterity;

- L. Ensure and protect, within the context of faculty shared governance, the educational quality of the University and its academic programs; and preserve and protect the University's autonomy, academic freedom, and the public purposes of higher education;
- M. Refrain from directing the day-to-day management and administration of the University, which is the responsibility of the President of the University; and from directing or interfering with any employee, officer, or agent under the direct or indirect supervision of the President;
- N. Act as a body with no individual member speaking for the Board unless specifically authorized to do so by the Board; and
- O. Exercise such other powers, not otherwise prescribed by law, that are necessary to carry out its statutory duties.

**Delegation to the President**

The President shall be the chief executive officer of the University. Subject to the ultimate authority of the Board, the President is delegated the authority necessary and appropriate for the efficient administration of the University and its programs, including the establishment of policies and procedures for the educational programs and operations of the University, except where the Board has reserved specific authority pursuant to the Bylaws and this policy as enumerated above. The discretionary powers of the President shall be sufficiently broad to enable him/her to discharge these responsibilities.

Unless otherwise restricted by specific Board policies or directives, the President may delegate general executive management and administrative authority to other executive officers and employees as necessary and prudent, including authority to execute contracts and other legal documents. The President may condition, limit, or revoke any presidential authority so delegated. All delegations and revocations shall be in writing, name the position to whom such authority is delegated, describe the scope and limitations of such authority, and prescribe the extent to which such authority may be further sub-delegated. Notwithstanding any delegation, the President remains responsible for the proper functioning of the University.

The President shall carry out all rules, orders, directives, and policies established by the Board, and shall approve and

implement all other policies and standards for the management of the University.

The organizational structure of the University will be established by the President except as otherwise specifically determined by the Board.

The President shall notify the Board of any matter that significantly involves the authority and role of the Board, including its fiduciary, oversight and public accountability responsibilities.

The President is authorized to negotiate and execute contracts on behalf of the University, including the aggregation of all contract extensions and renewals.

The President is authorized to name identifiable sub-units or components of campus facilities.

The President may hire all employees of the University and, within budgetary limitations, fix their salaries, and approve promotions, transfers, leaves of absence, and removal of personnel pursuant to the requirements of APSU policies and subject to such prior approval or confirmation as the Board may require. The President is authorized to further delegate appointing authority to the Vice Presidents or other designees.

The President shall have the authority to negotiate banking and credit card services to periodically open and close bank accounts and to purchase and sell investments. The President may delegate this authority to other administrative officers.

The President is authorized to act for the Board regarding all matters concerning grants and contracts for research, development, service and training.

The President is authorized to act for the Board in the management of the student body and other matters incident thereto, except for the establishment of rules and policies regarding student conduct.

The President is authorized to establish a reserve officers training corps unit, to execute and deliver bond, with or without surety, in such manner and on such terms and conditions as may be required by the United States, for the care and safekeeping of the transportation, animals, arms, ammunition, supplies, tentage, and

equipment that may be necessary or desirable for the operation, conduct and training of any reserve officers training corps units of the armed forces of the United States authorized by law at any time.

The President is authorized to act for the Board regarding the execution and administration of instruments and the general business and financial affairs of the University that occur in the usual course of business except as otherwise provided in the Board Bylaws.

The President is authorized to purchase land, condemn land, erect buildings, and equip buildings for the University, subject to the requirements of the State Building Commission and the terms and conditions of legislative appropriations, costing less than \$999,999.99. The President is also authorized to approve the acquisition or disposal of real property for the University, subject to other approvals that may be required.

The President is authorized to act for the Board regarding all legal action necessary to protect the interests of the University.

In the event of an emergency or in the event immediate action is in the best interests of the University, the President, after consultation with the Board Chair, is authorized to act, pursuant to authority otherwise available but for this Delegation of Authority.

---

### Revision Dates

---

APSU 1:024 – Rev.: June 10, 2022  
APSU 1:024 – Rev.: June 8, 2018  
APSU Policy 1:024 – Issued: March 30, 2017

---

### Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

---

### Approved

---

President: signature on file

---

**RULES  
OF  
AUSTIN PEAY STATE UNIVERSITY**

**CHAPTER 0240-05-01  
TRAFFIC AND PARKING REGULATIONS**

**TABLE OF CONTENTS**

0240-05-01-.01	Introduction	0240-05-01-.07	Penalties
0240-05-01-.02	Registration of Vehicles	0240-05-01-.08	Appeals
0240-05-01-.03	Parking Zones	0240-05-01-.09	Restrictions
0240-05-01-.04	Vehicle Operation	0240-05-01-.10	Special Occasions and Emergencies
0240-05-01-.05	Violations	0240-05-01-.11	Pedestrian
0240-05-01-.06	Enforcement		

**0240-05-01-.01 INTRODUCTION.**

- (1) The purpose of these regulations is to facilitate the safe and orderly operation of Austin Peay State University ("The University") business and to provide parking facilities for this operation within the limits of available space.
- (2) The Office of Public Safety is responsible for implementation and enforcement of these regulations.
- (3) Any person operating a motor vehicle on the University campus is required to obey these regulations as a condition to parking or operating the vehicle on the campus.
- (4) The responsibility for locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any parking regulations.
- (5) The University shall have no responsibility for loss or damage to any vehicle or its contents operated or parked on APSU or on lots leased by APSU.

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and 40 C.F.R. § 85.1703 (defining motor vehicles)*. **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.02 REGISTRATION OF VEHICLES.**

- (1) All motor vehicles parked on APSU property during regular business hours as determined by APSU or on lots leased by APSU must have a current APSU permit and be registered with APSU. Housing lots require a valid parking permit twenty-four (24) hours a day, seven (7) days a week.
- (2) Guidelines for vehicle registration and obtaining a parking permit can be found on the APSU Parking and Transportation webpage.
- (3) Permits must be renewed at the beginning of each Fall semester and will be valid until the beginning of the following Fall semester so long as the registrant remains a student or an APSU employee.
- (4) APSU utilizes virtual permits which are attached to the vehicle license plate. Vehicles must have the license plate visible to the driving lane. Vehicles may back into a space or pull through a space if they meet one of the following:
  - (a) Have a state issued front license plate mounted on the vehicle; or

(Rule 0240-05-01-.02, continued)

- (b) Have a numbered APSU-issued front license plate. The plate can be obtained from the APSU Parking & Transportation office.
- (5) Permit holders are responsible for citations incurred with their permit and/or vehicle. Persons will also be held liable for a violation incurred by a vehicle, when that vehicle is reasonably shown to be associated to that person.
- (6) Persons are entitled to only one (1) category of parking permit at a time. Persons will be identified by their primary affiliation with APSU. Graduate assistants and part-time student workers are eligible for student parking permits only.
- (7) Permits are not transferable to any person other than the registrant.
- (8) Only persons who are neither students, nor faculty/staff are entitled to a visitor parking permit.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

#### **0240-05-01-.03 PARKING ZONES.**

- (1) Parking is permitted only in marked areas with painted control lines. Parking is not permitted in seeded areas or gravel service areas utilized by Physical Plant.
- (2) Faculty or Staff – Zone Color Red – Full-time faculty, staff, contract service employees, and adjunct instructors are authorized for this zone. Valid permits must be displayed during regular business hours as determined by APSU.
- (3) Resident Student – Zone Color Silver – Students who reside in the on-campus residence halls are authorized for this zone. Valid permits must be displayed twenty-four (24) hours a day, seven (7) days a week.
- (4) Commuter Student – Zone Color Green – Students who reside off campus are authorized for this zone. Valid permits must be displayed during regular business hours as determined by APSU.
- (5) Overflow – Zone Color Black – Any valid APSU permit is authorized for this zone. Valid permits must be displayed during regular business hours as determined by APSU.
- (6) ADA Accessible Parking – Zone Color Blue – Persons utilizing ADA spaces on campus must have a placard issued by any state. Students, faculty, and staff who have a state issued placard must be registered with APSU Parking Services and receive an APSU ADA Accessible parking permit. ADA Accessible Permit holders are authorized to park in any parking space on campus, except those spaces specifically reserved with a sign (example: Electric Vehicle Charging). Valid permits or state issued placards for ADA Accessible parking spaces must be displayed twenty-four (24) hours a day, seven (7) days a week.
- (7) Visitor Parking Spaces – Visitor parking permits are issued by Parking Services. Guidelines on how to obtain a visitor parking permit are found on the APSU Parking and Transportation website. Marked visitor spaces are enforced during regular business hours as determined by APSU.



(Rule 0240-05-01-.03, continued)

- (8) Reserved Parking – APSU may designate spaces or parking areas that are reserved for individuals, departments, or events.
- (9) Time-Limited Spaces – APSU may designate spaces that have a time limit for parking in those spaces.
- (10) Public Parking – APSU parking lots may be designated for paid public parking. These areas will utilize a pay-by-plate system and are open to members of the community. APSU parking permits will be valid in these lots without additional payment required.
- (11) Event Parking – APSU may reserve lots outside of regular business hours for paid event parking. All vehicles parked in these lots, regardless of having a valid APSU parking permit, may be required to pay for parking during event parking times.
- (12) Electric Vehicle Charging – Spaces are set aside for electric vehicles to charge. Electric vehicles that are charging do not need to be registered with APSU Parking & Transportation. Vehicles are limited to four (4) hours of charging and must be moved from a charging space after four hours have elapsed.
- (13) Yellow curbs, yellow or white striped areas, and yellow bumper blocks. No parking is permitted in these areas. These areas are enforced twenty-four (24) hours a day, seven (7) days a week. Marked services vehicles may park in these areas so long it does not hinder traffic flow or create a safety hazard.
- (14) Motorcycle Parking –
  - (a) All motorcycles are to be parked in a parking space in their designated zone or in motorcycle only parking spaces.
  - (b) Motorcycles are not to block stairways, sidewalks, or pedestrian access.

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

#### **0240-05-01-.04 VEHICLE OPERATION.**

- (1) All persons operating a motor vehicle on APSU property or in the campus area, which includes City streets running through APSU property, must be properly licensed operators.
- (2) Pedestrians have the right-of-way at established pedestrian crossings, except where regulated by traffic control lights or police officers.
- (3) The maximum speed limits on the APSU campus and city streets should be clearly marked. Streets interior to APSU campus are limited to twenty (20) mph. However, motor vehicles may not be operated at any speed which is excessive for the conditions which may exist as a result of weather, traffic congestion, pedestrians, etc.
- (4) Traffic control signs, devices, and directions of police officers must be obeyed.
- (5) All persons operating motor vehicles are responsible for maintaining control of the vehicle, safe operation, and observance of traffic control signs, barriers and devices.

(Rule 0240-05-01-.04, continued)

- (6) Operating a motor vehicle in any area other than a street or a roadway intended for motor vehicles is prohibited.
- (7) All accidents must be reported to APSU Police immediately (931-221-7786). All motor vehicle break-ins or incidents should also be reported immediately.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History: Original rules filed March 14, 2018; effective June 12, 2018.*

**0240-05-01-.05 VIOLATIONS.** The following non-exhaustive examples constitute classifications for violations of these regulations:

- (1) Parking Violations
  - (a) Out of Zone;
  - (b) Vehicle not Registered;
  - (c) Not a Parking Space;
  - (d) License Plate not Visible to Driving Lane;
  - (e) Loading Zone;
  - (f) Blocking Traffic;
  - (g) Parked Facing Traffic;
  - (h) Occupying Two (2) (or more) Spaces;
  - (i) Outside of Designated Space;
  - (j) Within Fifteen (15) feet of Fire Hydrant;
  - (k) Within Twenty (20) feet of entrance/exit/intersection;
  - (l) On Seeded Areas;
  - (m) Parked in Visitor;
  - (n) Parked beyond Time Limits;
  - (o) Parked in Reserved Parking;
  - (p) ADA Accessible Parking Only; and
  - (q) Warning Only.
- (2) Moving Violations
  - (a) Failure to obey stop sign or traffic signal;
  - (b) Failure to yield to pedestrian in crosswalk;
  - (c) Traveling wrong way on one-way street;

(Rule 0240-05-01-.05, continued)

- (d) Operating a motor vehicle off a marked roadway;
  - (e) Speeding;
  - (f) Failure to yield right of way;
  - (g) Failure to obey lawful directions of a police officer;
  - (h) Failure of motorcycle operator or rider to wear required headgear; and
  - (i) Failure to yield to emergency vehicle.
- (3) Impounded Vehicle/Towed Vehicle
- (a) APSU may tow without advance notice those motor vehicles parked in a fire lane, designated ADA accessible parking space, spaces reserved for designated vehicles or in such a manner as to impede the flow of traffic or to disrupt the orderly affairs of APSU.
  - (b) If a motor vehicle has unpaid parking citations, APSU may impound/tow the vehicle, if advance notice and opportunity to contest have been given. Windshield notices and/or other methods of notification will be used to provide the operator of the vehicle with advance notice of APSU's intent to tow and the operator's right to a hearing.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

#### **0240-05-01-.06 ENFORCEMENT.**

- (1) The Office of Public Safety is tasked with enforcement of the parking regulations. The Director is authorized to selectively enforce or not enforce certain regulations and parking categories based on special events and circumstances that require special accommodations.
- (2) A motor vehicle parked in a manner which blocks a fire zone, emergency exit, flow of traffic, designated ADA accessible parking space, spaces reserved for designated vehicles, or otherwise poses a danger or disrupts the orderly affairs of APSU may be impounded, immobilized, or towed.
- (3) A motor vehicle which has accumulated one hundred dollars (\$100.00) or more in unpaid citations may be immobilized or towed.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

#### **0240-05-01-.07 PENALTIES.**

- (1) The below penalties constitute the greatest penalty to be assessed:
  - (a) Parked in Visitor, maintenance, or emergency vehicle space: \$35.00
  - (b) Parked in ADA Accessible Space: \$200.00 - The fine for this parking violation is set by State law, T.C.A. § 55-21-108. As of July 1, 2008, the fine was set at \$200. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law.

(Rule 0240-05-01-.07, continued)

- (c) Boot Removal Fee - \$75.00 for first violation in an academic year. \$125.00 for subsequent violations in the same academic year.
- (d) All other parking violations: \$25.00
- (e) All moving violations when written as an APSU citation: \$35.00
- (2) Other Penalties
  - (a) Any vehicle that has accumulated one hundred dollars (\$100.00) of unpaid fines and a minimum of two (2) parking citations, may be immobilized or towed in accordance with regulations under 0240-05-01-.06 Enforcement.
  - (b) Repeated violations of parking regulations will be grounds for towing away, impoundment, immobilization in accordance with regulations under enforcement.
  - (c) Students who persist in violating these regulations or commit a single violation under extreme circumstances will be referred to the Dean of Students' office for disciplinary action which may lead to suspension or dismissal from APSU.
  - (d) Any individual (student, faculty or staff) with outstanding citations will not be allowed to register a motor vehicle or purchase a parking permit until indebtedness is cleared.
  - (e) Repeated violations may result in the loss of parking privileges without a refund.

**Authority:** T.C.A. § 49-9-209(e). **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

#### **0240-05-01-.08 APPEALS.**

- (1) Upon receipt of a citation, persons have five (5) class days to submit an appeal.
- (2) Appeal forms are completed and submitted electronically through the parking management software.
- (3) Issuing officers will be afforded the opportunity to comment on appeals before they are presented to the appeal authority.
- (4) The Student Tribunal shall hear and decide all student appeals.
- (5) Students may further appeal the Tribunal's decision to the Vice President of Student Affairs, or designee, within three (3) class days of the finding by Student Tribunal.
- (6) When APSU is not in session, the Dean of Students will hear and decide appeals.
- (7) Staff and visitors' appeals shall be heard by a committee consisting of the Faculty Senate President or designee, Staff Senate President or designee, and the Dean of Students or designee.
- (8) Anyone failing to appeal within five (5) class days of issuance of citation loses the right to appeal.

(Rule 0240-05-01-.08, continued)

- (9) Boot Release fines are not appealable.
- (10) The appeal decision is final.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.09 RESTRICTIONS.** APSU streets or grounds may not be used by any firm, corporation or person for advertising or commercial purposes.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.10 SPECIAL OCCASION AND EMERGENCIES.** On special occasions, for example: athletic events, concerts, graduation exercises, etc., and in emergencies, parking and traffic limitation may be imposed by the Office of Public Safety and Campus Police as required by the conditions which prevail.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.11 PEDESTRIAN REGULATIONS.**

- (1) Students and staff members must not endanger their safety or constitute an unreasonable impediment to lawful vehicular traffic by crossing streets at other than authorized lanes or by willfully walking or congregating in the streets.
- (2) Violations of these regulations will be cited through appropriate channels for disciplinary action.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

**RULES  
OF  
AUSTIN PEAY STATE UNIVERSITY**

**CHAPTER 0240-05-01  
TRAFFIC AND PARKING REGULATIONS**

**TABLE OF CONTENTS**

0240-05-01-.01	Introduction	0240-05-01-.07	Penalties
0240-05-01-.02	Registration of Vehicles	0240-05-01-.08	Appeals
0240-05-01-.03	Parking Zones	0240-05-01-.09	Restrictions
0240-05-01-.04	Vehicle Operation	0240-05-01-.10	Special Occasions and Emergencies
0240-05-01-.05	Violations	0240-05-01-.11	Pedestrian
0240-05-01-.06	Enforcement		

**0240-05-01-.01 INTRODUCTION.**

- (1) The purpose of these regulations is to facilitate the safe and orderly operation of Austin Peay State University ("The University") business and to provide parking facilities for this operation within the limits of available space.
- (2) The Office of Public Safety is responsible for implementation and enforcement of these regulations.
- (3) Any person operating a motor vehicle on the University campus is required to obey these regulations as a condition to parking or operating the vehicle on the campus.
- (4) The responsibility for locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any parking regulations.
- (5) The University shall have no responsibility for loss or damage to any vehicle or its contents operated or parked on ~~the~~ APSU or on lots leased by APSU.

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and 40 C.F.R. § 85.1703 (defining motor vehicles).* **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.02 REGISTRATION OF VEHICLES.**

- (1) All motor vehicles parked on APSU property ~~between 7:30 a.m. and 4:00 p.m. during regular business hours as determined by APSU~~ or on lots leased by APSU must have a current APSU permit and be registered with APSU. Housing lots require a valid parking permit twenty-four (24) hours a day, seven (7) days a week.
- (2) ~~Permits are available for pickup/purchase at Parking Services. Students receive a permit as part of their access fee. Faculty and staff must purchase a parking permit. Guidelines for vehicle registration and obtaining a parking permit can be found on the APSU Parking and Transportation webpage.~~
- (3) ~~The permit must be hung on the rear view mirror of the vehicle. If the mirror prevents the permit from hanging, the permit must be displayed near the rear view mirror.~~
- (4) ~~Expired permits should be removed (or covered) so that only the current permit is displayed.~~

(Rule 0240-05-01-.02, continued)

- ~~(5)~~(3) Permits must be renewed at the beginning of each Fall semester and will be valid until the beginning of the following Fall semester so long as the registrant remains a student or an APSU employee.
- (4) APSU utilizes virtual permits which are attached to the vehicle license plate. Vehicles must have the license plate visible to the driving lane. Vehicles may back into a space or pull through a space if they meet one of the following:
- (a) Have a state issued front license plate mounted on the vehicle; or
- (b) Have a numbered APSU-issued front license plate. The plate can be obtained from the APSU Parking & Transportation office for an additional cost.
- ~~(6)~~(5) ~~Hanging parking permits are issued to persons, not vehicles, and are required to be affixed to a vehicle.~~ Permit holders are responsible for citations incurred with their permit and/or vehicle. Persons will also be held liable for a violation incurred by a vehicle, when that vehicle is reasonably shown to be associated to that person.
- ~~(7)~~(6) Persons are entitled to only one (1) category of parking permit at a time. Persons will be identified by their primary affiliation with APSU. Graduate assistants and part-time student workers are eligible for student parking permits only.
- ~~(8)~~ ~~Permit holders are only eligible for one (1) parking permit at a time. This permit can be moved from one (1) vehicle to another. A second parking permit may be issued to students who live in married housing. Faculty/Staff/Students who present extraordinary circumstances may be authorized to have a second parking permit with the approval of the Director of Public Safety/Chief of Police. The cost of a second permit, if authorized, will be equal to the APSU access fee for parking. This fee will be prorated if purchased after the first month of the Fall semester.~~
- ~~(9)~~(7) Permits are not transferable to any person other than the registrant, ~~particularly to a person in a different parking category.~~
- ~~(10)~~(8) Only persons who are neither students, nor faculty/staff are entitled to a visitor parking permit.
- ~~(11)~~ ~~Lost or stolen permits will be replaced for \$10.00 upon making a report to Parking Services.~~

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

### 0240-05-01-.03 PARKING ZONES.

- (1) Parking is permitted only in marked areas with painted control lines. Parking is not permitted in seeded areas or gravel service areas utilized by Physical Plant.
- (2) Faculty or Staff – Zone Color Red – Full-time faculty, staff, contract service employees, and adjunct instructors are authorized for this zone. Valid permits must be displayed between 7:30 a.m. and 4:00 p.m., Monday through Friday during regular business hours as determined by APSU.

(Rule 0240-05-01-.03, continued)

- (3) Resident Student – Zone Color Silver – Students who reside in the on-campus residence halls are authorized for this zone. Valid permits must be displayed twenty-four (24) hours a day, seven (7) days a week.
- (4) Commuter Student ~~and Married Housing~~ – Zone Color Green – Students who reside off campus ~~and students who reside in married housing~~ are authorized for this zone. Valid permits must be displayed ~~between 7:30 a.m. and 4:30 p.m., Monday through Friday during regular business hours as determined by APSU.~~
- (5) Overflow – Zone Color Black – Any valid APSU permit is authorized for this zone. Valid permits must be displayed ~~between 7:30 a.m. and 4:30 p.m., Monday through Friday during regular business hours as determined by APSU.~~
- (6) ADA Accessible Parking – Zone Color ~~Light~~ Blue – Persons utilizing ADA spaces on campus must have a placard issued by any state. Students, faculty, and staff who have a state issued placard must be registered with APSU Parking Services ~~and receive APSU Parking checks to ensure the state issued placard is issued to the registrant and issues~~ an APSU ADA Accessible parking permit. ADA Accessible Permit holders are authorized to park in any parking space on campus, except those spaces specifically reserved with a sign (example: Electric Vehicle Charging). Valid permits or state issued placards for ADA Accessible parking spaces must be displayed twenty-four (24) hours a day, seven (7) days a week.
- (7) Visitor Parking Spaces – Visitor parking permits are issued by Parking Services. Guidelines on how to obtain a visitor parking permit are found on the APSU Parking and Transportation website. ~~Areas where visitors can park will be listed on the parking permit provided. Visitor parking permits are available twenty-four (24) hours a day, seven (7) days a week at the Shasteen Building. APSU Departments may request visitor permits in advance by contacting Parking Services.~~ Marked visitor spaces are enforced ~~between 7:30 a.m. and 4:00 p.m., Monday through Friday during regular business hours as determined by APSU.~~
- (8) Reserved Parking – APSU may designate spaces or parking areas that are reserved for individuals, departments, or events.
- (9) Time-Limited Spaces – APSU may designate spaces that have a time limit for parking in those spaces.
- (10) Public Parking – APSU parking lots may be designated for paid public parking. These areas will utilize a pay-by-plate system and are open to members of the community. APSU parking permits will be valid in these lots without additional payment required.
- (11) Event Parking – APSU may reserve lots outside of regular business hours for paid event parking. All vehicles parked in these lots, regardless of having a valid APSU parking permit, may be required to pay for parking during event parking times.
- (12) Electric Vehicle Charging – Spaces are set aside for electric vehicles to charge. Electric vehicles that are charging do not need to be registered with APSU Parking & Transportation. Vehicles are limited to four (4) hours of charging and must be moved from a charging space after four hours have elapsed.



(Rule 0240-05-01-.03, continued)

~~(8)(13)~~ Yellow curbs, yellow or white striped areas, and yellow bumper blocks. No parking is permitted in these areas. These areas are enforced twenty-four (24) hours a day, seven (7) days a week. Marked services vehicles may park in these areas so long it does not hinder traffic flow or create a safety hazard.

~~(9) Temporary Parking Permits — Temporary permits are issued to community members who qualify for zoned parking but do not have their permit in their possession at the time they need to park. Temporary permits are available twenty-four (24) hours a day, seven (7) days a week.~~

~~(10)(14)~~ Motorcycle Parking –

- (a) All motorcycles are to be parked in a parking space in their designated zone or in motorcycle only parking spaces.
- (b) Motorcycles are not to block stairways, sidewalks, or pedestrian access.

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

#### 0240-05-01-.04 VEHICLE OPERATION.

- (1) All persons operating a motor vehicle on APSU property or in the campus area, which includes City streets running through APSU property, must be properly licensed operators.
- (2) Pedestrians have the right-of-way at established pedestrian crossings, except where regulated by traffic control lights or police officers.
- (3) The maximum speed limits on the APSU campus and city streets ~~are~~ should be clearly marked. Streets interior to APSU campus are limited to twenty (20) mph. However, motor vehicles may not be operated at any speed which is excessive for the conditions which may exist as a result of weather, traffic congestion, pedestrians, etc.
- (4) Traffic control signs, devices, and directions of police officers must be obeyed.
- (5) All persons operating motor vehicles are responsible for maintaining control of the vehicle, safe operation, and observance of traffic control signs, barriers and devices.
- (6) Operating a motor vehicle in any area other than a street or a roadway intended for motor vehicles is prohibited.
- (7) All accidents must be reported to APSU Police immediately (931-221-7786). All motor vehicle break-ins or incidents should also be reported immediately.

**Authority:** Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.05 VIOLATIONS.** The following non-exhaustive examples constitute classifications for violations of these regulations:

- (1) Parking Violations
  - (a) Out of Zone;

(Rule 0240-05-01-.05, continued)

(b) Vehicle not Registered;

~~(b)(c)~~ Not a Parking Space;

(d) License Plate not Visible to Driving Lane;

~~(e)(e)~~ Loading Zone;

~~(d) Parking on Yellow Curb/No Parking Zone;~~

~~(e)(f)~~ Blocking Traffic;

~~(f)(g)~~ Parked Facing Traffic;

~~(g)(h)~~ Occupying Two (2) (or more) Spaces;

~~(h)(i)~~ Outside of Designated Space;

~~(i)(j)~~ Within Fifteen (15) feet of Fire Hydrant;

~~(j)(k)~~ Within Twenty (20) feet of entrance/exit/intersection;

~~(k)(l)~~ On Seeded Areas;

~~(l)(m) Failure to Display Permit; Parked in Visitor;~~

~~(m)(n) No Permit or Improper Display of Permit; Parked beyond Time Limits;~~

~~(n)(o) Altered, Lost, or Stolen Permit; Parked in Reserved Parking;~~

~~Reserved Visitor;~~

~~(p) Reserved Electric Vehicle Charging Only~~

~~(q)(p) Reserved ADA Accessible Parking Only; and~~

~~(r)(q) Warning Only.~~

(2) Moving Violations

(a) Failure to obey stop sign or traffic signal;

(b) Failure to yield to pedestrian in crosswalk;

(c) Traveling wrong way on one-way street;

(d) Operating a motor vehicle off a marked roadway;

(e) Speeding;

(f) Failure to yield right of way;

(g) Failure to obey lawful directions of a police officer;

(Rule 0240-05-01-.05, continued)

- (h) Failure of motorcycle operator or rider to wear required headgear; and
  - (i) Failure to yield to emergency vehicle.
- (3) Impounded Vehicle/Towed Vehicle
- (a) APSU may tow without advance notice those motor vehicles parked in a fire lane, designated ADA accessible parking space, spaces reserved for designated vehicles or in such a manner as to impede the flow of traffic or to disrupt the orderly affairs of APSU.
  - (b) If a motor vehicle has unpaid parking citations, APSU may impound/tow the vehicle, if advance notice and opportunity to contest have been given. Windshield notices and/or other methods of notification will be used to provide the operator of the vehicle with advance notice of APSU's intent to tow and the operator's right to a hearing.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

#### 0240-05-01-.06 ENFORCEMENT.

- (1) The Office of Public Safety ~~and Campus Police are is~~ tasked with enforcement of the parking regulations. The Director ~~Chief of Police~~ is authorized to selectively enforce or not enforce certain regulations and parking categories based on special events and circumstances that require special accommodations.
- (2) A motor vehicle parked in a manner which blocks a fire zone, emergency exit, flow of traffic, designated ADA accessible parking space, spaces reserved for designated vehicles, or otherwise poses a danger or disrupts the orderly affairs of APSU may be impounded, immobilized, or towed.
- (3) A motor vehicle which has accumulated one hundred dollars (\$100.00) or more in unpaid citations may be immobilized or towed.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

#### 0240-05-01-.07 PENALTIES.

(1) The below penalties constitute the greatest penalty to be assessed:

- (a) Parked in Visitor, maintenance, or emergency vehicle space: \$35.00
- (b) Parked in ADA Accessible Space: \$200.00 - The fine for this parking violation is set by State law, T.C.A. § 55-21-108. As of July 1, 2008, the fine was set at \$200. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law.
- (c) Boot Removal Fee - \$75.00 for first violation in an academic year. \$125.00 for subsequent violations in the same academic year.

(Rule 0240-05-01-.07, continued)

- (d) All other parking violations: \$25.00
- (e) All moving violations when written as an APSU citation: \$35.00

~~(1)~~(2) Other Penalties

- (a) ~~Students who fail to pay violation fines or penalties will not be permitted to register for course work, to continue as a student, to receive credit, to receive a degree, or to obtain a transcript until the fines or penalties are paid. Any vehicle that has accumulated one hundred dollars (\$100.00) of unpaid fines and a minimum of two (2) parking citations, may be immobilized or towed in accordance with regulations under 0240-05-01-.06 Enforcement.~~
- (b) Repeated violations of parking regulations will be grounds for towing away, impoundment, ~~or~~ immobilization in accordance with regulations under enforcement.
- (c) Students who persist in violating these regulations or commit a single violation under extreme circumstances will be referred to the Dean of Students' office for disciplinary action which may lead to suspension or dismissal from APSU.
- ~~(d) Once a motor vehicle or owner has accumulated one hundred dollars (\$100.00) of unpaid fines, his or her motor vehicle, if found parked upon APSU property or lots leased by APSU, will be immobilized or towed in accordance with regulations under 0240-05-01-.06 Enforcement.~~
- ~~(e)~~(d) Any individual (student, faculty or staff) with outstanding citations will not be allowed to register a motor vehicle or purchase a parking permit until indebtedness is cleared.
- ~~(f)~~(e) Repeated violations may result in the loss of parking privileges without a refund.

**Authority:** T.C.A. § 49-9-209(e). **Administrative History:** Original rules filed March 14, 2018; effective June 12, 2018. Amendments filed October 28, 2019; effective January 26, 2020.

**0240-05-01-.08 APPEALS.**

- (1) Upon receipt of a citation, persons have ~~three-five~~ (35) class days to submit an appeal.
- (2) Appeal forms are completed and submitted electronically through the parking management software.
- (3) Issuing officers will be afforded the opportunity to comment on appeals before they are presented to the appeal authority.
- (4) The Student Tribunal shall hear and decide all student appeals.
- (5) Students may further appeal the Tribunal's decision to the Vice President of Student Affairs, or designee, within three (3) class days of the finding by Student Tribunal.
- (6) When APSU is not in session, the Dean of Students will hear and decide appeals.
- (7) Staff and visitors' appeals shall be heard by a committee consisting of the Faculty Senate ~~Chair-President~~ or designee, Staff ~~Council-Senate Chair-President~~ or designee, and the Dean of Students or designee.
- (8) Anyone failing to appeal within ~~three-five~~ (35) class days of issuance of citation loses the right

January, ~~2020-2022~~ (Revised)

to appeal.

## TRAFFIC AND PARKING REGULATIONS

CHAPTER 0240-05-01

(Rule 0240-05-01-.08, continued)

(9) Boot Release fines are not appealable.

(10) The appeal decision is final.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.09 RESTRICTIONS.** APSU streets or grounds may not be used by any firm, corporation or person for advertising or commercial purposes.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

**0240-05-01-.10 SPECIAL OCCASION AND EMERGENCIES.** On special occasions, for example: athletic events, concerts, graduation exercises, etc., and in emergencies, parking and traffic limitation may be imposed by the Office of Public Safety and Campus Police as required by the conditions which prevail.

**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. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

### **0240-05-01-.11 PEDESTRIAN REGULATIONS.**

- (1) Students and staff members must not endanger their safety or constitute an unreasonable impediment to lawful vehicular traffic by crossing streets at other than authorized lanes or by willfully walking or congregating in the streets.
- (2) Violations of these regulations will be cited through appropriate channels for disciplinary action.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed March 14, 2018; effective June 12, 2018.

Rules  
of  
Austin Peay State University

Chapter 0240-05-07  
Use of Unmanned Aircraft Systems (UAS)

New Chapter

Division 0240-05 is amended by adding Chapter 07 Use of Unmanned Aircraft Systems (UAS), a table of contents, and Rules .01 through .04, so that it shall read as follows:

Table of Contents

0240-05-07-.01 Scope  
0240-05-07-.02 Definitions  
0240-05-07-.03 General Policy Statement  
0240-05-07-.04 Enforcement

0240-05-07-.01 Scope is added to Chapter 0240-05-07 Use of Unmanned Aircraft Systems (UAS) and shall read as follows:

0240-05-07-.01 Scope.

- (1) This rule applies to all Austin Peay State University operations within the U.S. and where the Federal Aviation Administration (FAA) has authority. This includes, but is not limited to: faculty, staff, students, volunteers, clubs, and similar organizations and individuals who are operating or planning to operate Unmanned Aircraft Systems (UAS — also commonly referred to as drones) as part of their university employment or as part of any university-related research or activity.
- (2) This rule also applies to any third party or hobbyist that may operate a drone on or over university facilities with approval from the Public Relations and Marketing office. All persons operating UAS on, over, or near university facilities are responsible for complying with FAA, federal, state, and local regulations as well as applicable university policies, including this rule, at all times.

Authority: T.C.A. § 49-8-203(a).

0240-05-07-.02 Definitions is added to Chapter 0240-05-07 Use of Unmanned Aircraft Systems (UAS) and shall read as follows:

0240-05-07-.02 Definitions.

- (1) Drones: An Unmanned Aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to safely and efficiently fly in the national airspace system weighing less than 55 pounds.
- (2) FAA: Federal Aviation Administration
- (3) University Facilities: As used in these regulations, the term "University Facility" or "University Facilities" means any building or structure or any improved or unimproved land, or any part of any such building, structure, or land, which is owned, used, controlled or occupied by Austin Peay State University.
- (4) Unmanned Aircraft Systems (UAS): Any remotely operated or controlled unmanned aircraft intended to fly within the National Aerospace System. Includes devices commonly referred to as drones (including communications support and navigational equipment). FAA regulations apply to all types of UAS regardless of weight or size.

Authority: T.C.A. § 49-8-203(a).

0240-05-07-.03 General Policy Statement is added to Chapter 0240-05-07 Use of Unmanned Aircraft Systems (UAS) and shall read as follows:

0240-05-07-.03 General Policy Statement.

- (1) Austin Peay State University shall follow all rules of the Federal Aviation Administration (FAA) regarding the use of remotely piloted Unmanned Aircraft Systems (UAS), also commonly referred to as drones, as well as ensure the safety and privacy of students, faculty, staff and visitors, while also encouraging learning, as it relates to UAS use on the campuses owned or occupied by Austin Peay State University.

Authority: T.C.A. § 49-8-203(a).

0240-05-07-.04 Enforcement is added to Chapter 0240-05-07 Use of Unmanned Aircraft Systems (UAS) and shall read as follows:

0240-05-07-.04 Enforcement.

- (1) Any operation or use of a drone that violates FAA regulations or laws is prohibited and it is the responsibility of the operator to ensure compliance with all such regulations or laws. Failing to comply with any of these various regulations may result in significant fines and significant personal liability to the Operator.
- (2) Any operation or use of a UAS that violates University policy will be reported to public safety as a violation of University rules and the operator will be subject to applicable disciplinary or legal sanctions. They will also be placed on a banned pilots list maintained by the Public Relations and Marketing office.
- (3) Any UAS that is flown in violation of University policy may be confiscated by the APSU Department of Public Safety. Any confiscated UAS's will be returned to the owner upon request at the end of each semester or at the discretion of the APSU Department of Public Safety.
- (4) All operators covered by this rule shall apply for approval to the Public Relations and Marketing office for any drone activity at least 14 calendar days prior to the first drone flight. The Public Relations and Marketing office will keep a registry of approved UAS operators. Previously approved operators must also apply for approval 7 calendar days prior to each planned flight unless otherwise approved by the Public Relations and Marketing office. For information on how to apply for approval, or other procedural information, please refer to the APSU Public Relations and Marketing website.

Authority: T.C.A. § 49-8-203(a).

<b>2021-2022 Peer Institutions Base Salaries</b>	
<b>Institutions</b>	<b>Presidential Salary</b>
UTM	\$333,628
TSU	\$342,260
TTU	\$370,326
ETSU	\$375,000
UTC	\$382,512
MTSU	\$414,750
UoM	\$525,000

APSU Presidential Salary 2021-2022	\$345,000
------------------------------------	-----------